

In light of the considerable controversy on the subject, the conferees felt that this issue ought not be resolved by inclusion of this section in the bill, but that it would be more appropriate for full hearings to be held or the question by the proper Committees of Congress. Accordingly the section was stricken from the bill with the understanding and hope that such hearings might be expeditiously completed.

Mr. President, I am totally and completely in accord with the language of the conference report. I merely wished to read this statement into the Record for the purpose of reaffirming this Senator's position in regard to this project and its impact.

I thank the Senator from California that, during the course of the conference, we were able to work this arrangement out, and I have no objection to the immediate consideration of the conference report and its immediate passage.

Mr. Tunney. Mr. President, I would like to say, as the floor manager of the bill and one of the conferees, that I support hearings on the matter that was raised by the distinguished Senator from Kentucky at the earliest possible date next year. I do not see any reason why we could not do it in either January or February of next year, and then take that bill up in an expeditious fashion after hearings have been held. I know I am not only speaking for myself, but also for the other Senators on the majority side of our committee.

I am convinced that as a result of the understanding of the problem of the conference committee by the Senator from Kentucky, we were able to conclude that conference, and conclude it in a way that I think has justified not only the position of the Senator from Kentucky on the matter that he has related, but also the fact that the Senate and the Congress wanted to have this endangered species bill passed as quickly as possible, before the end of this year.

Mr. Cook. Mr. President, I thank the Senator from California, and I appreciate the indulgence of the President of the Senate.

The Vice President. The question is on agreeing to the conference report.  
The report was agreed to.

[From the Congressional Record, Dec. 20, 1973]

#### HOUSE AGREEMENT TO THE CONFERENCE REPORT

#### CONFERENCE REPORT ON S. 1981, ENDANGERED SPECIES ACT OF 1973

Mrs. SULLIVAN. Mr. Speaker, I call up the conference report on the Senate bill (S. 1983), to provide for the conservation, protection, restoration, and propagation of threatened and endangered species of fish, wildlife, and plants and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The Speaker. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

The Clerk read the statement.  
(For conference report and statement of managers see page 426.)

Mrs. SULLIVAN (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The Speaker. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

Mrs. SULLIVAN. Mr. Speaker, the report of the conferees which is now before the House for approval deserves the support of every Member. The conferees have managed to produce a compromise bill, within the rules of both Houses which is in most respects an improvement over both bills. It represents a sensible and sound approach to a very serious problem: The protection of endangered and threatened species which without that protection, might disappear. I am persuaded that this is an important problem, and that the solution of this problem proposed by the conferees is fair, workable, and desirable.

Time is very much a consideration in this bill. We have adopted language which encourages the States to participate fully in endangered species programs. Within a certain period of time after passage of our bill, the States must have adopted adequate conservation programs in order to preserve their initiative in this area. Unless this bill is signed into law before the 1st of January, State and Federal timetables may be seriously and adversely affected.

Earlier this year, an international treaty was negotiated to establish a worldwide system of protection for these species. The Senate has approved the treaty, and I understand that there is no obstacle to formal ratification by this country. Approval of the conference report will set in motion the remaining steps that can and should be taken by this country to implement the treaty and to create a strong but fair regulatory system upon U.S. citizens.

Mr. Speaker, I urge approval of the conference report.

Mr. GOODLING. Mr. Speaker, I wish to associate myself with the remarks of my distinguished cocongressman, the gentlewoman from Missouri and chairman of the Committee on Merchant Marine and Fisheries, Mrs. Sullivan, and the chairman of our Fish and Wildlife Subcommittee, Mr. Dingell, in support of the action of the conference committee in resolving the differing versions of this important legislation.

One of the principal issues confronting the conference committee centered around the responsibilities to be vested in the Secretaries of Interior and Commerce as a result of Reorganization Plan No. 4 of 1970, which transferred to the Secretary of Commerce authority for the protection of endangered species which inhabit the oceans or whose environment is predominantly marine-oriented. The conference committee decided, I believe wisely, that there should be only one list of endangered species to be maintained by the Department of Interior. The ministerial duties associated with formal promulgation of these lists will be handled by the Secretary of the Interior, but so far as the listing of species under the authority of the Secretary of Commerce is concerned, the Secretary of the Interior will have no discretion but will merely carry out the mandate of the Secretary of Commerce. Procedurally, the Secretary of Commerce will be responsible for all steps necessary leading to the listing of a specie under his jurisdiction

on either the threatened or endangered list. Once he has made that decision or decides to upgrade the listing of a specie from threatened to endangered status, he shall so inform the Secretary of the Interior who will immediately take the necessary steps to see that the listing is effectuated.

The conference committee determined that with respect to the downgrading of a listing from endangered to threatened status, or in the case of removal totally, the Secretary of the Interior should have the final authority with respect to all species, including those otherwise under the jurisdiction of the Secretary of Commerce. In such a case, the Secretary of Commerce will transmit his determination that a specie should be downgraded or removed by way of recommendation to the Secretary of the Interior, and if the Secretary of the Interior concurs in the recommendation he shall implement the action. The determination to downgrade or remove a specie under the authority of the Secretary of Commerce may only, however, be initiated by the Secretary of Commerce.

The vesting of this veto power over the downgrading or delisting of species under the authority of the Secretary of Commerce was a reasonable compromise between those who advocate no role whatsoever for the Commerce Department in the protection of endangered species and those who favored a fully separate role for each department in the management of the species under their respective jurisdictions. In practice, I am confident that this arrangement will work quite satisfactorily. We fully expect the Secretaries of Interior and Commerce to work together harmoniously so that the objectives of this legislation will be realized, and I can assure my colleagues that we will be watching their performance very closely.

The second principal issue which confronted the conference committee involved the role of the States in the protection of the endangered and threatened species of resident wildlife. While the House placed the fundamental responsibility for establishing and overseeing programs for the protection of endangered and threatened species in the Federal Government, the other body has substantially amended the legislation to shift the basic responsibility for endangered species programs to the States. The conference committee retained language giving the States an opportunity to participate in the protection of endangered and threatened species in cooperation with the Federal Government.

The conference committee bill provides a transition period of up to 15 months following enactment during which time the prohibitions of this act will be held in abeyance pending the adoption by States and approval by the Secretary of cooperative management agreements. Where cooperative agreements have been entered into, they will control. We are confident that the States will take advantage of this opportunity to avoid Federal preemption. It should be noted that during the transitional period, the Federal Government may step in to enforce the act when requested to do so by a State, or when the Secretary determines that an emergency exists requiring full application of the act to protect a species.

Finally, Mr. Speaker, I wish to stress that the success of this program will depend not only upon the cooperation between the Secre-

taries of Interior and Commerce and upon cooperation between the Federal Government and the States, but also upon funding by the Federal Government of its share of the cost of management programs and the willingness of the States to bear their share of these costs. We are all too prone to decry the centralization of authority in Washington to the detriment of States, and yet when it comes down to specific proposals which would preserve State initiative, there seems to be a reluctance to assume the even relative modest financial burden that is an essential ingredient in the exercise of authority. As in the case of the interrelationship between the Federal departments involved in this program, we will be closely watching the performance of the States, and we will be monitoring the budgetary process to see that this program is fully funded. Mr. Speaker, I urge the adoption of the conference report on the Endangered Species Act of 1973.

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

Mrs. SULLIVAN. Mr. Speaker, I yield to the gentleman from Minnesota.

Mr. BERGLAND. Mr. Speaker, I ask for this time only to ask the gentleman some questions on this report, particularly as it affects the species normally known as the eastern timber wolf, which is an animal that has inhabited my State of Minnesota for literally thousands of years. This animal has, in the last 8 years, according to our State management experts, enlarged its range to about 25,000 square miles of land in the northern part of Minnesota.

In some instances, I am told by management experts, the population has reached the saturation level in the main range, with wolves numbering as many as one per 10 square miles.

This timber wolf is a problem for livestock producers in that region of the State and has caused great concern among sportsmen who are concerned about the maintenance of the deer herd. The wolf is known to consume about 20 deer per year, and our State has struggled for years in developing management programs to enlarge the herd of white-tailed deer. The wolf is a problem.

Mr. Speaker, I have some questions of the gentleman, if she would be so kind. I read the committee report, and I notice a distinction between endangered species and threatened species. My question, if the Secretary of the Interior were to designate the eastern timber wolf as an endangered species could a State such as Minnesota have that species classified as a threatened species and, therefore, treat it differently?

Mrs. SULLIVAN. Mr. Speaker, may I say that we have had a lot of discussion about the timber wolf. I would like to yield to the distinguished gentleman from Michigan (Mr. Dingell) to answer that.

Mr. DINGELL. Mr. Speaker, the answer is that the determination of whether a species is threatened or endangered lies in the hands of the Secretary of the Interior in the case of land species, and in certain respects in the case of marine species. In certain other instances with regard to marine species, in the hands of the Secretary of Commerce. The State would not have any discretion to reclassify species designated by the Secretary of the Interior as endangered. The State would have an opportunity to come forward with an appropriate management program, in the form of a cooperative agreement with the Secretary.

It would have a period of 15 months or 120 days after the legislative session of the State Legislature had ceased in which to develop a program governing the taking of resident species.

Mr. BERGLAND. Mr. Speaker, if the gentleman will yield further, could the Secretary, under the terms of this conference report, designate the timber wolf as an endangered species in all States of the Union except Minnesota?

Mr. DINGELL. Mr. Speaker, if the gentleman from Missouri will yield, the answer to that question is that it could so do, if the population of wolves in question were to be found in Minnesota. He responsibility and discretion would extend to particular species, subspecies or populations of wolves and other kinds of endangered or threatened animals.

Mr. BERGLAND. Mr. Speaker, this has to do with similarity of appearances cases. On page 6, the report refers to protection of species similar to those that appear on the endangered list or on the threatened list.

In my State we have a species, commonly known as a brush wolf; also known as a coyote. It takes an expert to distinguish between the two species of wolves. The coyote and the brush wolf are a threat to the livestock production and deer management project as in other regions of the United States.

Will the gentleman explain this provision for me please?

Mr. SULLIVAN. Mr. Speaker, again I will refer the question to the gentleman from Michigan (Mr. Dingell) to answer.

Mr. DINGELL. Mr. Speaker, I would like to disagree with my good friend, the gentleman from Minnesota, in that the coyote or the brush wolf can be distinguished from the gray wolf or the Eastern wolf. The answer is that hunters and experts in this matter can and do make the distinction.

The legislation provides that where there is a strong similarity of appearance between the species and where there is such a close resemblance in appearance that only under the most difficult circumstances or under the most expert study can the difference be ascertained, and if that confusion poses an additional threat to the endangered species, then the Secretary may require the protection of both the endangered species and the species which resembles it.

I do not happen to believe, on the basis of my own information and knowledge—and I am familiar with both the coyote and the wolf—that this provision would come into play with regard to the coyote and the wolf. There are very visible differences in the characteristics of the two species.

Mr. BERGLAND. Mr. Speaker, I, like my friend and colleague, the gentleman from Michigan, have hunted deer for the past 25 years, and there have been many instances when I caught a fleeting glimpse of an animal which I knew was some type of a wolf or coyote, and I was never been able to distinguish the difference.

I am wondering if the Secretary would designate the coyote or the brush wolf to be on the endangered or the protected list.

Mr. DINGELL. Mr. Speaker, the answer for the gentleman's question is that the coyote is not foreseeably going to be put on the endangered species list or on the threatened species list under this legislation. It simply will not happen.

Mr. BERGLAND. How about what we call the brush wolf? Mr. DINGELL. That is the coyote. It is not likely to be put on the endangered species list, I can assure the gentleman of that. We have plenty of coyotes.

Mr. BERGLAND. Mr. Speaker, I am relieved to hear that. On page 14 of the committee report, under the general heading, "Exceptions," I notice it says in the bottom paragraph, as follows:

The Secretary may make further requirements for a showing of undue economic hardships as he deems fit.

Mr. Speaker, will the gentleman or her designee, the gentleman from Michigan, please explain this to me?

Does this apply only to those exceptions that are provided for in the State of Alaska?

Mr. DINGELL. No. If the gentleman will yield further, the provision to which the gentleman alludes to the species which are endangered internationally, in other words, in other countries and on the high seas, and also to domestic species.

As a general rule, however, the hardship exemption applies mostly to importation and commercial activities. Usually it relates to commercial activities. However, it is conceivable that under certain circumstances it could also apply to taking of domestic animals.

Mr. BERGLAND. Mr. Speaker, the Department of Conservation in my State of Minnesota has developed a plan, with the advice and counsel of representatives of the U. S. Forest Service and the representatives of the Bureau of Sports Fisheries and Wildlife within the Department of Interior. This is commonly known as the Tri-Agency Plan.

It provides for a sanctuary in the northeast corner of Minnesota, where 2,500 miles of territory are provided in which the wolf will be protected, and in other areas, for instance, areas adjoining the northeastern corner, it would provide for some management and under some circumstances it would authorize some harvesting if the wolf was doing damage to the deer herd or to livestock or to farms in that general region.

I would certainly hope that the Secretary would accept that "Tri-Agency" plan, once authorized by the Minnesota Legislature.

I notice that the conference committee has recognized the need to have State input in the management of these kinds of problems. Does the gentleman have any comments on that plan?

Mr. SULLIVAN. Yes, I understand the Department of the Interior is one of those agencies, so there would have to be that cooperation.

Mr. BERGLAND. I thank the gentleman for yielding.

Now, I certainly hope the Secretary of the Interior will accept that plan. It is terribly important, I think, if we are to protect the species that are truly in danger of extinction and, on the other hand, find a way of managing the predators so they do not destroy other of our valuable wildlife resources.

Mrs. SULLIVAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. Dingell).

Mr. DINGELL. Mr. Speaker, I urge approval of the conference report on this measure. Our committee has held many days of hearings on this matter, and has considered it extensively in open executive session. The bill is strongly supported by the conservation community, by wildlife groups and hunters, and by the administration. It would be no

exaggeration to say that scarcely a voice has been heard in dissent. The report of the conference committee represents a substantial effort, and a successful effort, to blend the best features of both bills and deserves the support of the House.

The major issue before the conference was probably the assignment of responsibilities between the Interior Department, which is currently responsible for the endangered species program, and the Commerce Department, which has responsibility for certain species under the Reorganization Plan No. 4 of 1970. The issue was settled by assigning to Interior the overall responsibility for maintaining the lists of endangered and threatened species, and by requiring that each agency have primary jurisdiction for determining the status of species within their areas of responsibility. An exception to this rule was provided in the case of species assigned to the Department of Commerce, which is permitted to propose that species be added to the list, or upgraded from threatened to endangered status in which case Interior must so amend the list. In order for such a species to be removed or downgraded, however, it will be necessary for both agencies to agree.

A case in point, outlining this division of responsibility, might be the status of whales. If Commerce were to propose that another species than those now listed should be included, such as the minke whale, it could make the determination on the basis of the record, after complying with the procedural requirements of the act, and then inform Interior of that determination. Interior would have to comply, as promptly as possible.

If, on the other hand, Commerce were to propose that a whale now on the list, such as the humpback whale, should be taken off, or downgraded in status, it would go through the same procedural steps and then so recommend to Interior; in this case, however, Interior could either agree or disagree. In the latter case, the disagreement would create an impasse, and no action would be taken with respect to the species unless one agency receded.

The effect of this resolution of differences will be to make it somewhat easier to list species than it will be to take them off. We assume that in clear cases, there will be little or no disagreement; that any disagreement will take place, if at all, only in the close or difficult cases. In this situation, it seems appropriate that we should act cautiously—certainly the conservative thing to do would be to withhold action until the picture becomes clearer.

I am convinced that this will result in better decisions by both agencies.

Also added to the bill as it passed the House is a provision allowing Alaskan Natives a qualified exemption from the requirements of the act, in order to allow them to hunt for subsistence purposes. While I expect that their dependence upon these species will diminish with the passage of time, I also recognize that there may be particular problems at the moment which would make it inescapable to halt all taking at once. We have provided adequate flexibility in the act, however, to allow the Secretary of the State fish and game agency to step in and impose additional restrictions upon native taking, and I am satisfied that these powers are ample to protect the further endangerment of any

species which might otherwise be subject to unrestricted native taking in Alaska.

In recent oversight hearings on the Marine Mammal Protection Act, representatives of the State of Alaska testified that they found similar provisions in that act to be offensive and perhaps even violative of the Alaska constitution, which forbids discrimination among classes of Alaska citizens. If they continue to feel so with respect to endangered or threatened species, the bill allows that State to establish further restrictions upon native taking, as a part of or independent from a comprehensive endangered species conservation program. State laws may not be more lenient than the Federal law, but they can be more strict. Also, the bill specifically indicates that if there were to be any conflict between the requirements of this act and those of the Marine Mammal Protection Act, the stricter of the two will prevail.

Another important step which we have taken in this bill—and in this regard the two bills are virtually identical—is that we have substantially amplified the obligation of both agencies, and other agencies of Government as well, to take steps within their power to carry out the purposes of this act. A recent article in the Washington Post, dated December 14, illustrates the problem which might occur absent this new language in the bill. It appears that the whooping cranes of this country, perhaps the best known of our endangered species, are being threatened by Air Force bombing activities along the gulf coast of Texas. Under existing law, the Secretary of Defense has some discretion as to whether or not he will take the necessary action to see that this threat disappears—I hasten to say that I believe that Secretary Schlesinger, who I know to be a decent and honorable man, will take the proper steps whether or not the law is amended, but the point that I wish to make is that once the bill is enacted, he or any subsequent Secretary of Defense would be required to take the proper steps.

Another example has recently crossed my desk, having to do with the continental population of grizzly bears which may or may not be endangered, but which is surely threatened. An article by Michael Frome on this subject is printed in the current edition of Field and Stream. It points out certain steps that should be, but are not being, taken to see that these magnificent animals do not go the way of the passenger pigeon. Once this bill is enacted, the appropriate Secretary, whether of Interior, Agriculture or whatever, will have to take action to see that this situation is not permitted to worsen, and that these bears are not driven to extinction. The purposes of the bill include the conservation of the species and of the ecosystems upon which they depend, and every agency of Government is committed to see that those purposes are carried out. It is a pity that we must wait until a species is faced with extermination before we begin to do those things that we should have done much earlier, but at least when and if that unfortunate stage is reached, the agencies of Government can no longer plead that they can do nothing about it. They can, and they must. The law is clear.

Another important step taken in this act is the requirement that the decisionmaking process be opened up to public review and participation. On the whole, I believe that these programs have been reason-

ably open in the past, but I also believe that agency performance can be improved. Under the provisions of this legislation, the public will be specifically allowed to propose the listing or delisting of species, or to petition the Secretary to stop in and declare an emergency requiring immediate Federal action in order to protect an endangered or threatened species. Hardship exemptions are permitted, under stringent controls, and here again the process will be opened up to public review. These requirements will do much to increase the confidence of the public in the working of their Government—a confidence which today is somewhat shaken with respect to many programs and officials.

The enforcement provisions of this legislation are extensive. It forbids taking and importing or exporting of endangered species as well as a number of other activities. The conference committee was concerned with the position of an innocent common carrier or other bailee who might be in possession of unmarked or mismatched packages containing endangered species or parts or products from such species and we developed language which we believe adequate to cover this situation.

With respect to the civil penalties which may be assessed under section 11 (a), the Government must show, in order to validly assess a penalty of over \$1,000, that the person charged with violating the act knew the essential facts of the violation. It is not necessary for the Government to show that the person charged knew that he was in violation at the time the offense was committed.

If a common carrier is told by a shipper that the goods contained in the shipment are something other than animal parts or products, and has no reason to believe otherwise, the carrier cannot be assessed a penalty under this section. If it is told that the goods are animal skins, then he has an obligation to make a reasonable inquiry to satisfy himself that the skins are not from endangered species; if he does so, he is once again shielded. If, on the other hand, he knows or in the circumstances can reasonably be expected to know that these are forbidden goods, then penalties may be assessed against him.

Similarly, the term "knowingly violates," as used in this section, is intended to refer to a conscious act or a conscious omission of the offender which amounts to a violation. It does not require that the offender know that the act which he consciously commits or omits constitutes a violation.

This question has been discussed with the Senate and it is my clear understanding that they are in entire agreement with this interpretation of the language of the bill.

Mr. Speaker, this legislation was considered at length by the House earlier this year. At that time it was overwhelmingly approved by a vote of 380 to 12, in substantially the same form. I ask that the House once again declare its support for this important legislation, and approve the conference report.

Mrs. SULLIVAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. Breaux).

Mr. BREAUX. I thank the distinguished chairman of my committee for yielding to me.

I would like to ask a question of the chairman or the distinguished chairman of the Subcommittee on Fish and Wildlife.

It is my impression under the presently existing law provisions that exist only allow the Department of the Interior to list species of one category that is the endangered species. This legislation allows the Department of the Interior, through the Secretary, to set up a second category of species that are a threatened species. Am I correct in that understanding?

Mrs. SULLIVAN. That is correct.

Mr. BREAUX. Is this a provision that will affect the international treaty presently being considered and allowed us to have the species removed from the endangered category if it is shown to be necessary to place it in the second category?

Mrs. SULLIVAN. Our understanding is it implements the international convention.

Mr. BREAUX. I thank the gentleman.

Mrs. SULLIVAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The Speaker. The question is on the conference report.

The question was taken, and the Speaker announced that the eyes appeared to have it.

Mr. BELL. 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 355, nays 4, not voting 73, as follows:

[Roll No. 7141]

YEAS—355

Abdnor	Bennett	Broomfield
Abzug	Bergland	Brozman
Adams	Beverlil	Brown, Calif.
Adabbo	Blasdel	Brown, Mich.
Anderson, Calif.	Blester	Brown, Ohio
Andrews, N.C.	Bligham	Broyhill, N.C.
Annuwaho	Blackburn	Broyhill, Va.
Archer	Bisnick	Buchanan
Armstrong	Boggs	Burgenor
Arbrook	Boland	Burke, Fla.
Abbley	Bowen	Burke, Mass.
Badillo	Brademas	Burleson, Tex.
Batella	Brasco	Burkison, Mo.
Bater	Bray	Butler
Bartlett	Breaux	Brechinridge
Bauman	Brekinridge	Bryon
Bell	Brinkley	Carey, N.Y.
		Carney, Ohio

Carter, Tex.	Furus
Cedlerberg	Gaydos
Chamberlain	Geitys
Chappell	Gilboms
Chisholm	Gilman
Clark	Glan
Chausen, Don H.	Goldwater
Clawson, Del.	Gonzales
Clay	Goodling
Cleveland	Grasso
Cochran	Green, Oreg.
Cohen	Green, Pa.
Conable	Gunde
Conlan	Gunter
Conle	Guyer
Corman	Haley
Cotter	Hamilton
Coughlin	Hammer Schmidt
Crane	Hanley
Cronin	Hanrahan
Culver	Hansen, Idaho
Daniel, Dan	Harsha
Daniel, Robert W., Jr.	Hastings
Daniel, Dominick V.	Hawkins
Davis, Ga.	Hechler, W. Va.
Davis, S.O.	Hechler, Mass.
Davis, Wm.	Helms
de la Garra	Helstoski
Deffenback	Henderson
Dellums	Hicks
Denholm	Hill
Dennis	Hillins
Derrinacki	Hinshaw
Devine	Hogan
Dickinson	Hollifield
Diggs	Holt
Donohue	Holtzman
Down	Horton
Downing	Hoemer
Drinan	Huber
Duncan	Hudnut
du Pont	Hungate
Eckhardt	Hungate
Edwards, Ala.	Hunt
Edwards, Calif.	Hutchinson
Ellberg	Ichord
Erlenbom	Johnson, Calif.
Esch	Johnson, Colo.
Estleman	Jones, Ala.
Evens, Colo.	Jones, N.C.
Fascell	Jones, Okla.
Findley	Jones, Tenn.
Fish	Jones, Tenn.
Flood	Jordan
Flowers	Kaestnemer
Flynt	Kazen
Foley	Kemp
Forde, William D.	Ketchum
Fontaine	Kling
Fontana	Kluczynski
Fraser	Koch
Frenzel	Koykendall
Frey	Kyros
	Latta

Lent	Pickle
Lifton	Pike
Long, La.	Polge
Long, Md.	Powell, Ohio
Loft	Preyer
Lujan	Price, Ill.
McClary	Pritchard
McCloskey	Quie
McCollister	Rallsback
McCormack	Randall
McDade	Rangel
McEwen	Rees
McFall	Regula
McKay	Reuss
McKinney	Rhodes
McSpadden	Rinaldo
Macdonald	Rinardo
Madden	Roberts
Madigan	Robinson, Va.
Mahon	Robinson, N.Y.
Mallary	Rodino
Mann	Roe
Marzulli	Rogers
Martin, N.O.	Roncaglio, Wyo.
Mathias, Calif.	Roncaglio, N.Y.
Mathis, Ga.	Rooney, Pa.
Matsunaga	Rose
Mayne	Rosenbhal
Marzoli	Rostenkowski
Meeds	Roush
Henderson	Rouselet
Hicks	Melcher
Hill	Metzlinsky
Hillins	Milford
Hinshaw	Miller
Hogan	Minish
Hollifield	Mink
Holt	Mitchell, Md.
Holtzman	Mitchell, N.Y.
Horton	Mizell
Hoemer	Moakley
Huber	Mollohan
Hudnut	Montgomery
Hungate	Moorehead, Calif.
Hunt	Moorehead, Pa.
Hutchinson	Morgan
Ichord	Mosher
Johnson, Calif.	Murphy, Ill.
Johnson, Colo.	Murphy, N.Y.
Jones, Ala.	Natcher
Jones, N.C.	Nelson
Jones, Okla.	Nix
Jones, Tenn.	O'Brien
Jordan	O'Hara
Kaestnemer	O'Neill
Kazen	Owens
Kemp	Parris
Ketchum	Passman
Kling	Patman
Kluczynski	Patten
Koch	Perkins
Koykendall	Pettis
Kyros	Peyser
Latta	

Sarasin	Torrel, Neb.
Sarasin	Treen
Schroeder	Udall
Sebellus	Vander Jagt
Seiberling	Vank
Shoup	Waggoner
Shuster	Waldie
Sikes	Wampler
Skubitz	Ware
Stack	Whalen
Stack	White
Smith, N.Y.	Whitehurst
Snyder	Whitten
Spence	Wildan
Stagers	Wiegins
Stanton, J. William	Williams
Stanton, James V.	Williams
Stark	Wilson, Bob
Steel	Wilson, Charles H., Calif.
Steele	Wilson, Charles, Tex.
Steelman	Winn
Stelger, Wis.	Wolf
Stokes	Wyatt
Stratton	Wydler
Stuckey	Wyle
Studds	Wyman
Sullivan	Yates
Sullivan	Yates
Syrington	Yatron
Syrmas	Young, Alaska
Talcoft	Young, Fla.
Taylor, N.O.	Young, Ga.
Teague, Calif.	Young, Ill.
Roybal	Young, S.C.
Runnels	Young, S.C.
Ruppe	Young, Tex.
Ruth	Zablocki
St dermain	Zion
Sandman	

## NAYS—4

Beard	Landgrebe
Gross	

## NOT VOTING—78

Alexander	Grimiths	Barrick
Anderson, Ill.	Grover	Beld
Andrews, N. Dak.	Gubser	Riegle
Arends	Hanna	Rooney, N.Y.
Aspin	Hansen, Wash.	Ryan
Bolling	Harrington	Satterfield
Brooks	Harvey	Scherie
Burke, Calif.	Hays	Schneebell
Burton	Hebert	Shipley
Camp	Jarman	Shriver
Canoy	Keating	Slak
Clancy	Kandrum	Smith, Iowa
O'Brien	Leggett	Stelger, Ariz.
O'Hara	Lehman	Stevens
O'Neill	Mallinard	Stuhlfeld
Owens	Martin, Nebr.	Taylor, Mo.
Parris	Metcalfe	Ullman
Passman	DeLaney	Vesey
Patman	Dent	Van Deertlin
Patten	Dingell	Verger
Perkins	Duval	Walsh
Pettis	Erya, Tenn.	Wright
Peyser	Frellingduyren	Zwack
	Fulton	
	Proehlich	
	Gray	
	Quillen	

So the conference report was agreed to.  
The Clerk announced the following pairs:

Mr. Rooney with Mr. York with Mr. Arends.  
Mr. Hebert with Mr. Aspin.  
Mr. Dent with Mr. Taylor of Missouri.  
Mr. Podell with Mr. Landrum.  
Mr. Nichols with Mr. Stelger of Arizona.  
Mr. Hays with Mr. Shriver.  
Mr. Studdieffeld with Mr. Martin of Nebraska.  
Mr. Harrington with Mr. Malliard.  
Mrs. Hansen of Washington with Mr. Froehlich.  
Mr. Hanna with Mr. Conyers.  
Mr. Burton with Mr. Minshall of Ohio.  
Mr. Metcalfe with Mr. Riegle.  
Mrs. Burke of California with Mr. Michel.  
Mr. Slak with Mr. Anderson of Illinois.  
Mr. Shipley with Mr. Frelinghuysen.  
Mr. Lehman with Mr. Dandielson.  
Mr. Brooks with Mr. Andrews of North Dakota.  
Mr. Fulton with Mr. Gubser.  
Mr. Rarick with Mr. Camp.  
Mr. Alexander with Mr. Grover.  
Mr. Stephens with Mr. Collins of Texas.  
Mrs. Collins of Illinois with Mr. Jarman.  
Mr. Delaney with Mr. Clancy.  
Mr. Reid with Mr. Zwach.  
Mrs. Grifflins with Mr. Quillen.  
Mr. Moss with Mr. Collier.  
Mr. Dulski with Mr. Harvey.  
Mr. Bryans of Tennessee with Mr. Scherte.  
Mr. Dingell with Mr. Schneebell.  
Mr. Gray with Mr. Walsh.  
Mr. Leggett with Mr. Mills of Arkansas.  
Mr. Pepper with Mr. Ryan.  
Mr. Satterfield with Mr. Smith of Iowa.  
Mr. Van Deerlin with Mr. Ulman.  
Mr. Vigorito with Mr. Wright.

The result of the vote was announced as above recorded.  
A motion to reconsider was laid on the table.

(From the Congressional Record, Dec. 21, 1973)

#### PRESENTED TO THE PRESIDENT FOR SIGNATURE

### ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, December 21, 1973, he presented to the President of the United States the following enrolled bills and joint resolutions:

\* \* \* \* \*  
S. 1983. An act to provide for the conservation of endangered and threatened species of fish, wildlife, and plants, and for other purposes. \* \* \*

#### PRESIDENTIAL STATEMENT ON SIGNING S. 1983 INTO LAW

#### ENDANGERED SPECIES ACT OF 1973

STATEMENT BY THE PRESIDENT UPON SIGNING THE BILL INTO LAW,  
DECEMBER 28, 1973

I have today signed S. 1983, the Endangered Species Act of 1973. At a time when Americans are more concerned than ever with conserv-

ing our natural resources, this legislation provides the Federal Government with needed authority to protect an irreplaceable part of our national heritage—threatened wildlife.

This important measure grants the Government both the authority to make early identification of endangered species and the means to act quickly and thoroughly to save them from extinction. It also puts into effect the Convention on International Trade in Endangered Species of Wild Fauna and Flora signed in Washington on March 3, 1973.

Nothing is more priceless and more worthy of preservation than the rich array of animal life with which our country has been blessed. It is a many-faceted treasure, of value to scholars, scientists, and nature lovers alike, and it forms a vital part of the heritage we all share as Americans. I congratulate the 93d Congress for taking this important step toward protecting a heritage which we hold in trust to countless future generations of our fellow citizens. Their lives will be richer, and America will be more beautiful in the years ahead, thanks to the measure that I have the pleasure of signing into law today.

Note: The Statement was released at San Clemente, Calif.  
As enacted, the bill (S. 1983) is Public Law 93-206, approved December 28, 1973.

#### ANNOTATED BIBLIOGRAPHY OF HEARINGS

U.S. Congress, House, Committee on Merchant Marine and Fisheries, Subcommittee on Fisheries and Wildlife Conservation and the Environment, Endangered Species, Hearings, 93d Congress, 1st session, Mar. 15, 26, 27, 1973, Washington, U.S. Govt. Print. Off., 1973, 388 p. "Serial no. 93-5"

Hearings on the following legislation to protect endangered species of fish and wildlife:

H.R. 37 and seven identical bills, H.R. 1461 and identical H.R. 4755, H.R. 2735, and the Administration bill H.R. 4758, all titled the Endangered Species Conservation Act of 1973, to provide for the conservation, protection, and propagation of species of subspecies of fish and wildlife that are threatened with extinction or likely within the foreseeable future to become threatened with extinction.

H.R. 2169, the Nature Protection Act, to implement the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere.

March 15, 1973 hearing receives and discusses report of the U.S. representatives to the Plenipotentiary Conference to Conclude an International Convention on Trade in Certain Species of Wildlife, signed March 3, 1973.

March 26, 1973 hearing includes submitted statements and testimony by: N. P. Reed (NDS), H. Pollock (NOAA), R. M. Housely (Nat'l Forest System), A. G. Gazlay (Mich. D.N.R.), C. F. Wilson (Nat'l Audubon Soc.), C. Stevens (Soc. for Protective Legislation), H. S. Irwin (N.Y. Botanical Gardens).

March 27, 1973 hearing includes statements and testimony from: Reps. F. Annunzio (Ill.), H. Helstoski (N.J.), C. W. Young (Fla.), R. A. Roe (N.J.), G. W. Whitthurst (VA), L. Coughlin (Penn.), B. B. Blackburn (GA); J. Grandy (Nat'l Parks and Conservation

Assoc.), L. S. Clapper (Natl Wildlife Federation), T. Garrett (Friends of the Earth), S. R. Seater (Defenders of Wildlife), M. Casey (Minn. D.N.R.), R. C. Hughes (Sierra Club), J. P. Corcoran (Asst. Att. Gen., NY).

Additional submitted statements and correspondence are included.

U.S. Congress. Senate. Committee on Commerce. Subcommittee on Environment. Endangered Species Act of 1973. Hearings, 93d Congress, 1st session, June 18 and 21, 1973. Washington, U.S. Gov. Print. Off., 1973. 133 p. "Serial No. 93-67"

Hearings on S. 1592, the Administration proposal, and S. 1983, both titled the Endangered Species Conservation Act of 1973, to provide for the conservation, protection, and propagation of endangered species. Also explores the relationship between proposed legislation and the Marine Mammal Protection Act of 1972. Includes additional correspondence and statement.

Hearing of June 18, 1973 includes testimony by: E. U. C. Bohlen (FWS), R. W. Schoning (NMFS), T. R. Garrett (Friends of the Earth), J. S. Gottschalk (International Association of Game, Fish, and Conservation Commissioners), J. W. Grandy (National Parks and Conservation Association), L. R. Jahn (Wildlife Management Institute).

Hearings of June 21, 1973 includes testimony by: H. A. Williams (Senator of New Jersey), B. Fensterwald (Committee for Humane Legislation), L. G. Regenstein (Fund for Animals), M. E. Rich (National Rifle Association), S. R. Seater (Defenders of Wildlife), C. E. Wilson (Audubon Society), H. D. Tiffany (Alaska Native Arts and Crafts Coop), J. R. Sharp (American Fur Merchants Association and Fur Conservation Institution of America), R. C. Hughes (Sierra Club).

## PART II

### LEGISLATIVE HISTORY OF 1976 AMENDMENTS TO THE ENDANGERED SPECIES ACT

ENDANGERED SPECIES ACT APPROPRIATION AUTHORIZATION EXTENSION,  
PUBLIC LAW 94-325

#### BACKGROUND

The following quoted material is taken from a review of fisheries and wildlife conservation legislation of the 94th Congress written by CRS and issued as a committee print by the Senate Committee on Interior and Insular Affairs (See: Congress and the Nation's Environment: Energy and Natural Resources Actions of the 94th Congress, January 1977. Committee Print. Senate Committee on Interior and Insular Affairs. Washington, U.S. Gov. Print. Off., pp. 112-1126):

The purpose of this legislation [was] to extend the authorization for appropriations to the Department of Commerce and the Interior to carry out provisions of the Endangered Species Act of 1973. The Endangered Species Act of 1973 gave primary responsibility for the legislation's administration to the Department of Commerce and the Interior. General authorization for appropriations under the Act for the Departments to carry out functions and responsibilities, other than certain financial assistance to the States under Section 6, is provided for by Section 15 of the Act. The authorization for appropriations under Section 15 expired on June 30, 1976. Accordingly, the Secretaries of Commerce and Interior in June and May 1975, respectively, submitted proposed legislation to extend the authorizations for appropriations. H.R. 8092 was introduced by Mrs. Sullivan as a bill incorporating the requests of the two Secretaries. A hearing was held on the bill by the Subcommittee on Fisheries and Wildlife Conservation and the Environment on February 6, 1976 (Serial 94-30).

Testimony given at three days of oversight hearings conducted by the House Subcommittee on the administration of the endangered species program (Serial 94-17) as well as more stark evidence of serious limits on progress of identifying, classifying, and listing of endangered species of plants and animals and of designating critical habitats of endangered species. The chief limits to greater progress in meeting the obligations imposed by the Endangered Species Act of