

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, 98d Congress, 1st session, June 18 and 21, 1973. Washington, U.S. Gov. Print. Off., 1973. 153 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. Schonng (NMBS); 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 Department 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

1973 [the witnesses indicated, were] inadequate staff and inadequate budgets in both the Commerce and Interior Departments' endangered species offices.

The Department of the Interior proposed an authorization appropriation of \$10,000,000 for each of Fiscal Years 77 and 78, and the Department of Commerce proposed an authorization appropriation of \$2,000,000 for each of those fiscal years, as well as \$500,000 for the transition period, July 1-September 30, 1976. Interior testified no extra transition period funds were required since it received authorization to continue all Fish and Wildlife Service programs during the transition period under its 1976 Appropriations Act (P.L. 94-165). Testimony elicited from representatives of both Departments during the Oversight and Legislative Hearings, as well as testimony submitted by interested non-government organizations, indicated that further increased authorizations would be extremely desirable and most definitely consistent with the programs' actual needs. Accordingly, H.R. 8092 was amended by the Committee to delete the transition period funding for the Department of the Interior, originally in the bill as drafted, to increase Interior's authorization for the two fiscal years by \$5,000,000 for a total of \$25,000,000, and to increase Commerce's authorization by \$1,000,000 for a total for the 1977 and 1978 fiscal years of \$5,000,000. The bill, as amended by the Committee, was brought before the House on the 15th of March and passed without debate.

In the Senate two bills were introduced reflecting the needs of the two departments for extended appropriations authorization for endangered species program work: S. 2334 for the Department of Commerce and S. 3122 for the Department of the Interior. The Senate Committee on Commerce's Subcommittee on the Environment held a day of hearings on this legislation, and on the House-passed bill (H.R. 8092 which combined provisions of the other two), on May 6, 1976 (Serial 94-82). On May 11, the full Committee in executive session approved a substitute text for S. 3122 in order to combine re-authorizations for the administration of the Act by both Departments. This bill also increased endangered species program funding authorizations for the Departments of Commerce and the Interior by the same amounts as did the House-passed bill, except the Senate bill kept in language authorizing \$1.8 million for Interior for the transition period. The bill, as reported by the Committee, was then passed without debate by the Senate on May 18, 1976.

On June 17, 1976 the House then passed S. 3122 in lieu of its own previously passed bill, H.R. 8092. Mr. Leggett, Chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment, noted on the floor in urging his colleagues' acceptance of the Senate version that Senate retention of the authorization for transition funding for Interior's endangered species program funding was merely duplicative of existing authority. He said it was thus not

worth insisting that the Senate pass the earlier-passed House bill (as was the customary legislative practice) by substitution of S. 3122 language which would then require new House consideration of such a Senate amendment.

The bill was approved by the President on June 30, 1976 becoming Public Law 94-325.

CHRONOLOGY—PUBLIC LAW 93-325

- June 20, 1975—H.R. 8092 introduced, referred to House Committee on Merchant Marine and Fisheries
- Mar. 10, 1976—S. 3122 introduced, referred to Senate Committee on Commerce
- Mar. 11, 1976—H.R. 8092 reported to House by the Committee on Merchant Marine and Fisheries, with amendment, H. Rept. 94-887
- Mar. 15, 1976—H.R. 8092 passed House, amended
- Mar. 16, 1976—H.R. 8092 referred to Senate Committee on Commerce
- May 13, 1976—S. 3122 reported to Senate by the Committee on Commerce, with amendment, S. Rept. 94-837
- May 18, 1976—S. 3122 passed Senate, amended
- June 17, 1976—S. 3122 passed House (in lieu of previously passed H.R. 8092)
- June 21, 1976—S. 3122 presented to President
- June 30, 1976—S. 3122 signed into law (P.L. 94-325)



Public Law 94-325
94th Congress, S. 3122
June 30, 1976

Bill

To extend the authorization for appropriations to carry out the Endangered Species Act of 1973.

As amended by the Senate and House of Representatives of the United States of America in Congress assembled, That section 15 of the Endangered Species Act of 1973 (16 U.S.C. 1542) is amended—

- (1) by striking out "(A) not to exceed \$4,000,000" and all that follows through "\$10,000,000 for fiscal year 1976," in paragraph (A) thereof and inserting in lieu thereof "(1) not to exceed \$10,000,000 for the fiscal year ending June 30, 1976, not to exceed \$1,800,000 for the fiscal transitional period ending September 30, 1976, and not to exceed a total of \$25,000,000 for the fiscal year ending September 30, 1977 and the fiscal year ending September 30, 1978,"; and
- (2) by striking out "(B) not to exceed \$2,000,000" and all that follows through "\$2,000,000 for fiscal year 1976," in paragraph (B) thereof and inserting in lieu thereof "(2) not to exceed \$2,000,000 for the fiscal year ending June 30, 1976, not to exceed \$500,000 for the fiscal transitional period ending September 30, 1976, and not to exceed a total of \$5,000,000 for the fiscal year ending September 30, 1977 and the fiscal year ending September 30, 1978,".

Endangered Species Act of 1973. Appropriation authority, extension.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-897 accompanying H. R. 8092 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 94-837 (Comm. on Commerce).
CONGRESSIONAL RECORD, Vol. 122 (1976):
Mar. 15, H. R. 8092 considered and passed House.
May 18, considered and passed Senate.
June 17, considered and passed House, in lieu of H. R. 8092.

OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES
H. R. 8092

IN THE HOUSE OF REPRESENTATIVES

June 29, 1975

Mrs. SULLIVAN (for herself, Mr. LOPEZ, Mr. FORTNEY, Mr. DUNN, Mr. ANTHONY of California, Mr. BURTON, Mr. DE LA GARZA, Mr. STUBBS, Mr. LENT, Mr. PATTERSON of California, and Mr. FAUNT) introduced the following bill: which was referred to the Committee on Merchant Marine and Fisheries

A BILL

To extend the authorization for appropriations to carry out the Endangered Species Act of 1973.

- 1 *Be it enacted by the Senate and House of Representatives*
- 2 *of the United States of America in Congress assembled,*
- 3 *That section 15 of the Endangered Species Act of 1973 (16*
- 4 *U.S.C. 1542) is amended—*
- 5 *(1) by striking out "and not to exceed \$10,000,000,"*
- 6 *and for fiscal year 1976," in paragraph (A) thereof and*
- 7 *inserting in lieu thereof ", not to exceed \$10,000,000*
- 8 *for fiscal year 1976, not to exceed \$2,500,000 for the*
- 9 *period beginning July 1, 1976, and ending September*
- 10 *30, 1977, and*

- 1 30, 1976, and not to exceed \$10,000,000 for each of
- 2 fiscal years 1977 and 1978"; and
- 3 (2) by striking out "and not to exceed \$2,000,000
- 4 for fiscal year 1976," in paragraph (B) thereof and
- 5 inserting in lieu thereof ", not to exceed \$2,000,000 for
- 6 fiscal year 1976, not to exceed \$500,000 for the period
- 7 beginning July 1, 1976, and ending September 30,
- 8 1976, and not to exceed \$2,000,000 for each of fiscal
- 9 years 1977 and 1978."

ENDANGERED SPECIES ACT AUTHORIZATION

MARCH 11, 1976.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mrs. SULLIVAN, from the Committee on Merchant Marine and Fisheries, submitted the following

REPORT

together with

DISSENTING VIEWS

[To accompany H.R. 8092]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H.R. 8092) to extend the authorization for appropriations to carry out the Endangered Species Act of 1973, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That section 15 of the Endangered Species Act of 1973 (16 U.S.C. 1532) is amended—

(1) by striking out "and not to exceed \$10,000,000 for fiscal year 1976," in paragraph (A) thereof and inserting in lieu thereof ", not to exceed \$10,000,000 for fiscal year 1976, and not to exceed the total of \$25,000,000 for fiscal years 1977 and 1978,"; and

(2) by striking out "and not to exceed \$2,000,000 for fiscal year 1976," in paragraph (B) thereof and inserting in lieu thereof ", not to exceed \$2,000,000 for fiscal year 1976, not to exceed \$500,000 for the period beginning July 1, 1976, and ending September 30, 1976, and not to exceed the total of \$5,000,000 for fiscal years 1977 and 1978."

PURPOSE OF THE LEGISLATION

The purpose of the legislation is to extend the authorization for appropriations to the Departments of Interior and Commerce to carry out the provisions of the Endangered Species Act of 1973.

LEGISLATIVE BACKGROUND

The Endangered Species Act of 1973 (16 U.S.C. 1531-1543) was passed in December 1973. Primary responsibility for this legislation