

Sec. 17. Except as otherwise provided in this Act, no provision of this Act shall take precedence over any more restrictive conflicting provision of the Marine Mammal Protection Act of 1972.

86 Stat., 1027,
16 USC 1361
note.

Approved December 28, 1973.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-412 (Comm. on Merchant Marine and Fisheries) and No. 93-740 (Comm. of Conference).
SENATE REPORT No. 93-307 (Comm. on Commerce).
CONGRESSIONAL RECORD, Vol. 119 (1973):
July 24, considered and passed Senate;
Sept. 18, considered and passed House, amended, in lieu of H. R. 37.
Dec. 19, Senate agreed to conference report.
Dec. 20, House agreed to conference report.
MENSLEY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 10, No. 1 (1974):
Dec. 29, 1973, Presidential statement.

95th CONGRESS
1st Session

H. R. 37

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1973

Mr. DUNCAN (for himself, Mr. CLARK, Mr. MANDLIAM, Mr. MOSELEY, Mr. DOWN-
ING, Mr. BURR, Mr. DEGENS, Mr. BAYL, Mr. STUMPF, Mr. MURPHY
of New York, Mr. JONES of North Carolina, Mr. BLUNT, Mr. ARMSTRONG of
California, Mr. KYBURG, Mr. McLENNAN, Mr. SMITH, Mr. POY, Mr.
TURNER, Mr. JAMES V. STARVOX, Mr. MERVIN, Mr. KANE, Mr. O'HARA,
Mr. WILLIAM D. FOM, Mrs. (ISABELLA, and Mr. SLOW) introduced the fol-
lowing bill; which was referred to the Committee on Merchant Marine and
Fisheries

A BILL

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.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 *That this Act may be cited as the "Endangered Species*
- 4 *Conservation Act of 1973".*
- 5 *THIRTIETH, THIRTIETH, AND FORTY*
- 6 *Sec. 2. (a) The Congress finds and declares that one*

1

1 of the unfortunate consequences of growth and development
 2 in the United States and elsewhere has been the extirpa-
 3 tion of some species or subspecies of fish and wildlife; the
 4 serious losses in species of wild animals with educational,
 5 historical, recreational, and scientific value have occurred
 6 and are occurring; that the United States has pledged it-
 7 self, pursuant to migratory bird treaties with Canada and
 8 Mexico, the Migratory and Endangered Bird Treaty with
 9 Japan, the Convention on Nature Protection and Wildlife
 10 Preservation in the Western Hemisphere, the International
 11 Convention for the Northwest Atlantic Fisheries, the Inter-
 12 national Convention for the High Seas Fisheries of the
 13 North Pacific Ocean, and other international agreements,
 14 to conserve and protect, where practicable, the various
 15 species of fish and wildlife that are threatened with extirpa-
 16 tion; and that the conservation, protection, restoration, or
 17 propagation of such species will inure to the benefit of all
 18 citizens.

19 (b) The purposes of this Act are to provide a program
 20 for the conservation, protection, restoration, or propagation
 21 of species and subspecies of fish and wildlife that are threat-
 22 ened with extinction, or are likely within the foreseeable
 23 future to become threatened with extinction.

24 (c) It is further declared to be the policy of Congress

that all Federal departments and agencies shall seek to pro-
 tect species or subspecies of fish and wildlife that are threat-
 ened with extinction or are likely within the foreseeable
 future to become threatened with extinction, and, wherever
 practicable, shall utilize their authorities in furtherance of
 the purpose of this Act.

DEFINITIONS

SEC. 2. For the purposes of this Act—

(1) The term "Federal lands" means all lands or
 interests therein over which Congress has legislative au-
 thority under article IV, section 3, clause 2 of the
 United States Constitution, including, without limitation,
 lands enumerated in section 1400 of title 43, United
 States Code.

(2) The term "fish" means any fish or any part,
 products, eggs, or offspring thereof, or the dead body or
 parts thereof.

(3) The term "import" means to bring into the
 territorial limits of the United States and includes, with-
 out limitation, entry into a foreign trade zone, and trans-
 shipment through any portion of the United States
 without customs entry.

(4) The term "person" means (A) any private
 person or entity, and (B) any officer, employee, agent,

1 department, or instrumentality of the Federal Govern-
 2 ment, of any State or political subdivision thereof, or of
 3 any foreign government.

4 (5) The term "Secretary" means the Secretary of
 5 the Interior and the Secretary of Commerce with re-
 6 spect to functions and responsibilities under this Act
 7 relating to fish and wildlife, consistent with such
 8 program responsibilities therefor as are vested pursuant
 9 to the provisions of Reorganization Plan Numbered 4 of
 10 1970.

11 (6) The term "take" means (A) with respect to
 12 fish or wildlife, to threaten, harass, hunt, capture, or kill,
 13 or attempt to threaten, harass, hunt, capture, or kill; and
 14 (B) with respect to flora, to collect, sever, remove, or
 15 otherwise damage in any manner, or to attempt to collect,
 16 sever, remove, or otherwise damage in any manner.

17 (7) The term "United States" includes the sev-
 18 eral States, the District of Columbia, the Commonwealth
 19 of Puerto Rico, the Canal Zone, the possessions of the
 20 United States, and the Trust Territory of the Pacific
 21 Islands.

22 (8) The term "wildlife" means any wild mammal,
 23 game or nongame migratory bird, wild bird, amphibian,
 24 reptile, mollusk, crustacean, or other animal, or any part,

1 products, egg, or offspring thereof, or the dead body or
 2 parts thereof, including migratory, nonmigratory and
 3 endangered birds for which protection is also afforded
 4 by treaty or other international agreement.

5 DETERMINATION OF ENDANGERED SPECIES

6 Sec. 4. (a) A species or subspecies of fish or wildlife
 7 shall be regarded as an endangered species whenever the
 8 Secretary by regulation determines, based on the best scien-
 9 tific and commercial data available to him and after consulta-
 10 tion, as appropriate, with the affected States, and, in coopera-
 11 tion with the Secretary of State, the country or countries in
 12 which such fish and wildlife are normally found or whose
 13 citizens harvest the same on the high seas, and with inter-
 14 ested persons and organizations, and other interested Federal
 15 agencies, that the continued existence of such species or sub-
 16 species of fish or wildlife throughout all or a significant por-
 17 tion of its habitat or range, is either presently threatened
 18 with extinction or will likely within the foreseeable future
 19 become threatened with extinction, due to any of the follow-
 20 ing factors:

21 (1) the present or threatened destruction, modifica-
 22 tion, or curtailment of its habitat or range;

23 (2) overutilization for commercial, sporting, sci-
 24 entific, or educational purposes;

1 (3) disease or predation;
 2 (4) the inadequacy of existing regulatory mecha-
 3 nisms; or
 4 (5) other natural or manmade factors affecting its
 5 continued existence.

6 (b) The Secretary shall publish in the Federal Register
 7 not less than annually a list, by scientific and common name
 8 or names, species or subspecies determined, pursuant to this
 9 section, to be endangered, indicating as to each species or
 10 subspecies so listed whether such species or subspecies is
 11 threatened with extinction or is likely within the foreseeable
 12 future to become threatened with extinction and, in either
 13 case, over what portion of the range of such species or sub-
 14 species this condition exists. The Secretary may, from time
 15 to time, by regulation revise any such list. The endangered
 16 species lists which are effective as of the date of the enact-
 17 ment of this Act shall be republished to conform to the pro-
 18 visions of this Act, except that until such republiation
 19 nothing herein shall be deemed to invalidate such endan-
 20 gered species lists. The provisions of section 553 of title
 21 5, United States Code, shall apply to any regulation issued
 22 under this subsection. The Secretary shall, upon the petition
 23 of an interested person under subsection 553 (c) of title 5,
 24 United States Code, also conduct a review, on the record
 25 after opportunity for agency hearing, of any listed or unlisted

1 species or subspecies of fish or wildlife proposed to be re-
 2 moved from or added to the list, but only if he finds and
 3 publishes his finding that such person has presented sub-
 4 stantial evidence to warrant such a review.

5 LAND ACQUISITION AND AGENCY COMPLIANCE

6 Sec. 5. (a) The Secretary shall utilize the land ac-
 7 quisition and other authorities of the Migratory Bird Con-
 8 servation Act, as amended, the Fish and Wildlife Act of
 9 1956, as amended, and the Fish and Wildlife Coordination
 10 Act, as appropriate, to carry out a program in the United
 11 States of conserving, protecting, restoring, or propagating
 12 those species and subspecies of fish and wildlife that he lists
 13 as endangered species pursuant to section 4 of this Act.

14 (b) In addition to the land acquisition authorities other-
 15 wise available to him, the Secretary is hereby authorized to
 16 acquire by purchase, donation, or otherwise, lands or inter-
 17 ests therein needed to carry out the purposes of this Act re-
 18 lating to the conservation, protection, restoration, or propa-
 19 gation of those species or subspecies of fish and wildlife that
 20 he lists as endangered species pursuant to section 4 of this
 21 Act.

22 (c) Funds made available pursuant to the Land and
 23 Water Conservation Fund Act of 1965 as amended may
 24 be used for the purpose of acquiring lands, waters, or inter-
 25 ests therein pursuant to this section that are needed for

1 the purpose of conserving, protecting, restoring, or preserv-
 2 ing those species or subspecies of fish and wildlife; that
 3 he lists as endangered species pursuant to section 4 of this
 4 Act.

5 (d) The Secretary shall review other programs adminis-
 6 tered by him and, to the extent practicable, utilize such
 7 programs in furtherance of the purposes of this Act. All other
 8 Federal departments and agencies shall, in consultation with
 9 and with the assistance of the Secretary, utilize, wherever
 10 practicable, their authorities in furtherance of the purposes
 11 of this Act by carrying out programs for the protection
 12 of endangered species and by taking such actions as may
 13 be necessary to insure that actions authorized, funded, regu-
 14 lated, or administered by them do not jeopardize the contin-
 15 ued existence of endangered species or result in destruction or
 16 modification of critical habitat of such species.

17 (e) Subject to the provisions of section 1413 of the
 18 Supplemental Appropriation Act, 1953 (31 U.S.C. 724),
 19 the President is authorized, as a demonstration of the com-
 20 mitment of the United States to the worldwide protection of
 21 endangered species of fish and wildlife, to use foreign cur-
 22 rency according to the United States Government under
 23 the Agricultural Trade Development and Assistance Act of
 24 1954 or any other law to provide to any foreign country
 25 (with its consent) assistance in the development and main-

1 agreement of programs in that country which the Secretary
 2 determines to be necessary or useful for the conservation,
 3 protection, restoration, or propagation of any species or
 4 subspecies of fish and wildlife listed by the Secretary pursuant
 5 to section 4 of this Act. The President shall provide assist-
 6 ance (which includes, but is not limited to, the acquisition,
 7 by lease or otherwise, of lands, waters, or interests therein)
 8 to foreign countries under this section under such terms and
 9 conditions as he deems appropriate.

10 (f) In carrying out the provisions of this Act, the Sec-
 11 retary, through the Secretary of State, shall encourage
 12 foreign countries to provide protection to endangered species
 13 or subspecies of fish or wildlife, to take measures to prevent
 14 any fish or wildlife from becoming endangered, and he shall,
 15 through the Secretary of State, encourage bilateral and
 16 multilateral agreements with such countries for the con-
 17 servation and propagation of fish and wildlife. The
 18 Secretary is authorized to assign or otherwise make available
 19 any officer or employee of his department for the purpose of
 20 cooperating with foreign countries and international organi-
 21 zations in developing personnel resources and programs
 22 which promote conservation of fish or wildlife, including (1)
 23 educational training of United States and foreign personnel,
 24 here or abroad, in the subjects of fish and wildlife manage-
 25 ment, research, and law enforcement; and (2) rendering

1 professional assistance abroad in such matters. The Secretary is also authorized to conduct or cause to be conducted such law enforcement investigations and research abroad as he deems necessary to carry out the obligations imposed upon him by this Act.

6 COOPERATION WITH THE STATES

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

13 (b) The Secretary may enter into agreements with the States for the administration and management of any area established for the conservation, protection, restoration, or propagation of endangered 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. 2887), as amended (16 U.S.C. 715s).

21 (c) The Secretary may delegate to a State the authority to regulate the taking by any person of endangered species or subspecies of resident fish and wildlife when he determines that such State maintains an adequate and active program.

1 consistent with the policies and purposes of this Act, to manage and protect such endangered species in accordance with criteria issued by the Secretary.

4 (d) Any action taken by the Secretary under this section shall be subject to his periodic and continual review at no greater than annual intervals. Such review shall include the consideration of comment received from interested persons.

8 (e) Nothing in this Act, or any amendment made by this Act, shall be construed as superseding or limiting the power of any State to enact legislation more restrictive than the provisions of this Act for the protection and conservation of fish and wildlife, including the regulation or prohibition of the retail sale of specimens or of products processed or manufactured from the specimens of fish and wildlife, whether such specimens are alive or dead.

16 (f) The Secretary of the Interior shall promptly undertake an investigation and study regarding the functions and responsibilities which the States should have with respect to the management and protection of endangered species of fish and wildlife. The Secretary of the Interior shall report the results of the investigation and study to Congress within one year after the date of the enactment of this Act, and such report may include such recommendations as he may have regarding the extent to, and manner in, which the Federal

1 Government should assist the States in establishing and im-
 2 plementing management and protection programs for en-
 3 dangered species.

4 PROHIBITED ACTS

5 Sec. 7. (a) Notwithstanding any other Act of Congress
 6 or regulation issued pursuant thereto, and except as other-
 7 wise provided in section 8 of this Act, any person who—

8 (A) imports into or exports from the United
 9 States, receives, or causes to be so imported, received,
 10 or exported; or

11 (B) takes or causes to be taken within the United
 12 States, the territorial sea of the United States, Federal
 13 lands, or upon the high seas; or

14 (C) ships, carries, or receives by any means in
 15 interstate commerce

16 any species or subspecies of fish or wildlife which the Sec-
 17 retary has listed as an endangered species threatened with
 18 extinction pursuant to section 4 of this Act shall be punished
 19 in accordance with the provisions of section 9 of this Act.

20 (b) Whenever the Secretary, pursuant to section 4 of
 21 this Act, lists a species or subspecies as an endangered species
 22 which is likely within the foreseeable future to become
 23 threatened with extinction, he shall issue such regulations
 24 as he deems necessary or advisable to provide for the con-
 25 servation, protection, restoration, or propagation of such

1 species or subspecies, including regulations subjecting to
 2 punishment in accordance with section 9 of this Act any
 3 person who—

4 (1) imports into or exports from the United States,
 5 receives, or causes to be so imported, received, or ex-
 6 ported; or

7 (2) takes or causes to be taken within the United
 8 States, the territorial sea of the United States, Federal
 9 lands, or upon the high seas; or

10 (3) ships, carries, or receives by any means in
 11 interstate commerce

12 any such species or subspecies of fish or wildlife likely
 13 within the foreseeable future to become threatened with
 14 extinction.

15 (c) For the purpose of facilitating enforcement of this
 16 Act, the Secretary may from time to time, by regulation, ex-
 17 tend the protection of this section, to the extent he deems it
 18 advisable, to any species or subspecies of fish or wildlife
 19 which is not listed as an endangered species, but which so
 20 closely resembles in appearance, at the point in question,
 21 a species or subspecies of fish or wildlife which has been
 22 listed as endangered, that substantial difficulty is posed to
 23 enforcement personnel in attempting to differentiate between
 24 the endangered and nonendangered species or subspecies of

1 fish or wildlife, and this difficulty poses an additional threat
2 to the endangered species or subspecies.

EXEMPTIONS

3
4 Sec. 8. (a) The Secretary may permit, under such
5 terms and conditions as he may prescribe, the importation,
6 taking, or the transportation in interstate commerce of any
7 species or subspecies of fish or wildlife listed as an en-
8 dangered species threatened with extinction for scientific
9 purposes, and for the propagation of such fish and wildlife
10 in captivity for preservation purposes, but only if he finds
11 that such importation, exportation, taking, transportation in
12 interstate commerce, or projected use will not adversely af-
13 fect the regenerative capacity of such specimen or of such
14 species or subspecies in a significant portion of its range or
15 habitat or otherwise affect the survival of the wild population
16 of such species.

17 (b) In order to minimize undue economic hardship to
18 any person importing, exporting, taking, or transporting in
19 interstate commerce any species or subspecies of fish or
20 wildlife which is listed as an endangered species pursuant
21 to section 4 of this Act under any contract entered into prior
22 to the date of original publication of such listing in the Fed-
23 eral Register, the Secretary, upon such person filing an
24 application with him and upon filing such information as
25 the Secretary may require showing to his satisfaction, such

1 hardship, may permit such person to import, export, take
2 or transport such species or subspecies in such quantities and
3 for such periods, not to exceed one year, as he determines to
4 be appropriate.

PENALTIES AND ENFORCEMENT

5
6 Sec. 9. (a) (1) Any person who violates any provi-
7 sion of this Act or of any regulation or permit issued there-
8 under, other than a person who commits a violation the
9 penalty for which is prescribed by subsection (b) of this
10 section, shall be assessed a civil penalty by the Secretary
11 of not more than \$10,000 for each such violation. No
12 penalty shall be assessed unless such person is given notice
13 and opportunity for a hearing with respect to such viola-
14 tion. Each violation shall be a separate offense. Any such
15 civil penalty may be compromised by the Secretary. Upon
16 any failure to pay the penalty assessed under this para-
17 graph, the Secretary may request the Attorney General
18 to institute a civil action in a district court of the United
19 States for any district in which such person is found or
20 resides or transacts business to collect the penalty, and
21 such court shall have jurisdiction to hear and decide any
22 such action. In the case of Guam such actions may be
23 brought in the district court of Guam; in the case of the
24 Virgin Islands such actions may be brought in the district
25 court of the Virgin Islands, and in the case of American

1 Sennon such actions may be brought in the District Court
2 of the United States for the District of Hawaii and such
3 courts shall have jurisdiction of such actions. In hearing
4 such action, the court shall sustain the Secretary's action
5 if such action is supported by substantial evidence.

6 (2) Whenever any property is seized pursuant to sub-
7 section (c) of this section, the Secretary shall move to dis-
8 pose of the civil penalty proceedings pursuant to paragraph
9 (1) of this subsection as expeditiously as possible. Upon
10 the assessment and collection of a civil penalty pursuant to
11 paragraph (1) of this subsection, any property so seized
12 may be proceeded against in any court of competent
13 jurisdiction and forfeited. Fish or wildlife so forfeited
14 shall be conveyed to the Secretary for disposition by him
15 in such a manner as he deems appropriate. If, with respect
16 to any such property so seized, no compromise forfeiture
17 has been achieved or no action is commenced to obtain the
18 forfeiture of such fish, wildlife, property, or item within
19 thirty days following the completion of proceedings involv-
20 ing an assessment and collection of a civil penalty, such
21 property shall be immediately returned to the owner or the
22 consignee in accordance with regulations promulgated by
23 the Secretary.

24 (3) Proceedings for the assessment of civil penalties
25 pursuant to paragraph (1) of this subsection shall be con-

1 directed in accordance with section 554 of title 5, The Secre-
2 tary may issue subpoenas for the attendance and testimony
3 of witnesses and the production of relevant papers, books,
4 and documents, and administer oaths. Witnesses summoned
5 shall be paid the same fees and mileage that are paid wit-
6 nesses in the courts of the United States. In case of con-
7 tinuance or refusal to obey a subpoena served upon any per-
8 son pursuant to this paragraph, the district court of the
9 United States for any district in which such person is found
10 or resides or transacts business, upon application by the
11 United States and after notice to such person, shall have
12 jurisdiction to issue an order requiring such person to ap-
13 pear and give testimony before the Secretary or to appear
14 and produce documents before the Secretary, or both, and
15 any failure to obey such order of the court may be punished
16 by such court as a contempt thereof.

(b) Any person who knowingly violates any provision
of this Act, or of any regulation or permit issued there-
under, shall, upon conviction, be fined not more than \$20,
000 or imprisoned for not more than one year, or both, and
any Federal hunting or fishing licenses, permits, or stamps
may be revoked or withheld for a period of up to five years.
Upon conviction, (1) any fish or wildlife seized shall be for-
feited to the Secretary for disposal by him in such manner as
he deems appropriate, and (2) any other property seized

1 pursuant to subsection (c) of this section may, in the dis-
 2 cretion of the court, commissioner, or magistrate, be forfeited
 3 to the United States or otherwise disposed of. If no convic-
 4 tion results from any such alleged violation, such property
 5 so seized in connection therewith shall be immediately re-
 6 turned to the owner or consignee in accordance with regula-
 7 tions promulgated by the Secretary, unless the Secretary,
 8 within thirty days following the final disposition of the case
 9 involving such violation, commences proceedings under sub-
 10 section (a) of this section.

11 (c) (1) The provisions of sections 7 and 8 of this
 12 Act and any regulations or permits issued pursuant thereto,
 13 or pursuant to subsection (d) or (e) of this section, shall be
 14 enforced by the Secretary, the Secretary of the Treasury,
 15 or the Secretary of the Department in which the (least
 16) Guard is operating, or all such Secretaries. Each such Sec-
 17 retary may utilize, by agreement, with or without reimburse-
 18 ment, the personnel, services, and facilities of any other
 19 Federal agency or any State agency.

20 (2) Any authorized agent of the Department of the
 21 Interior, the Department of Commerce, or the Department
 22 of the Treasury may, with or without a warrant, arrest any
 23 person who such agent has probable cause to believe is
 24 knowingly violating this Act, in his presence or view, or any
 25 regulation or permit issued thereunder, the penalty for which

1 is provided under subsection (b) of this section. An agent
 2 who has made an arrest of a person in connection with any
 3 such violation may search such person at the time of his
 4 arrest and seize any property taken, used, or possessed in
 5 connection with any such violation.

6 (3) Any authorized agent of the Department of the
 7 Interior, the Department of Commerce, or the Department
 8 of the Treasury shall have authority to search and seize with
 9 or without a warrant, as provided by the customs laws and by
 10 the law relating to search and seizure. Any such officer or
 11 agent is authorized to execute warrants to search for and
 12 seize any property, including, for the purposes of this sec-
 13 tion, any fish, wildlife, aircraft, boat, or other conveyance,
 14 weapon, business records, shipping documents, or other items
 15 which have been taken, used, or possessed in connection
 16 with the violation of any section, regulation, or permit with
 17 respect to which a civil or criminal penalty may be assessed,
 18 pursuant to subsection (a) or (b) of this section. Any prop-
 19 erty seized pursuant to this section shall be held by any agent
 20 authorized by the Secretary or the Secretary of the Treasury,
 21 or by a United States marshal, pending disposition of pro-
 22 ceedings under subsection (a) or (b) of this section; except
 23 that either Secretary may, in lieu of holding such property,
 24 either (1) permit a bond or other satisfactory surety to be
 25 posted, or (2) place the fish or wildlife in the custody of

1 such person as he shall designate. Upon the imposition of
 2 a civil or criminal penalty, or a forfeiture, the costs to the
 3 Government of transfer, board, and handling, including the
 4 cost of investigations at a nondesignated port of entry, shall
 5 be payable to the account of the Secretary. The owner or
 6 consignee of any property so seized shall, as soon as prac-
 7 ticable following such seizure, be notified of the fact in
 8 accordance with regulations established by the Secretary.

9 (d) The Secretary may request the Attorney General
 10 to bring appropriate action to prevent threatened violations
 11 of this Act, or of any regulations or orders promulgated
 12 pursuant thereto.

13 (e) For the purposes of facilitating the enforcement
 14 of this Act and reducing the costs thereof, the Secretary,
 15 with the approval of the Secretary of the Treasury, shall,
 16 after notice and an opportunity for a public hearing, from
 17 time to time designate, by regulation, any port or ports
 18 in the United States for the importation of fish and wild-
 19 life (other than shellfish and fishery products) into the
 20 United States. The importation of such fish or wildlife into
 21 any port in the United States, except those so designated,
 22 shall be prohibited after the effective date of such designa-
 23 tions: except that the Secretary, under such terms and
 24 conditions as he may prescribe, may permit importation
 25 at nondesignated ports in the interest of the health or

1 safety of the fish or wildlife. Such regulations may provide
 2 other exceptions to such prohibition if the Secretary, in
 3 his discretion, deems it appropriate and consistent with the
 4 purposes of this subsection.

5 (f) The Secretary is authorized to promulgate such
 6 regulations as may be appropriate to carry out the purposes
 7 of this Act, and the Secretaries of the Treasury and the
 8 department in which the Coast Guard is operating are
 9 authorized to promulgate such regulations as may be appro-
 10 priate to the exercise of responsibilities under subsection
 11 (e) (1) of this section.

12 (g) (1) Any person who engages to any extent in busi-
 13 ness as an importer of fish and wildlife must register with the
 14 Secretary of the Treasury his name and the address of each
 15 place of business at which, and all trade names under which,
 16 he conducts such business.

17 (2) Any person required to register with the Secretary
 18 of the Treasury under paragraph (1) of this subsection
 19 shall—

20 (A) keep such records as will fully and correctly
 21 disclose each importation of fish and wildlife made by
 22 him and the subsequent disposition made by him with
 23 respect to such fish and wildlife; and

24 (B) at all reasonable times upon notice by a duly
 25 authorized representative of the Secretary, afford such

1 representative access to his places of business an oppor-
 2 tunity to examine his inventory of imported fish and
 3 wildlife and the records required to be kept under
 4 subparagraph (A) of this paragraph, and to copy
 5 such records.

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

9 INTERNATIONAL AND INTERGOVERNMENTAL COOPERATION

10 SEC. 10. (a) (1) In carrying out the provisions of
 11 this Act, the Secretary, through the Secretary of State,
 12 shall encourage foreign countries to provide protection to
 13 endangered species or subspecies of fish and wildlife, to take
 14 measures to prevent any fish or wildlife from becoming en-
 15 dangered, and shall cooperate with such countries in provid-
 16 ing technical assistance in developing and carrying out pro-
 17 grams to provide such protection, and shall, through the
 18 Secretary of State, encourage bilateral and multilateral agree-
 19 ments with such countries for the protection, conservation,
 20 or propagation of fish and wildlife. The Secretary shall also
 21 encourage persons, taking directly or indirectly fish or wild-
 22 life in foreign countries or on the high seas for importation
 23 into the United States for commercial or other purposes, to
 24 develop and carry out, with such assistance as he may provide
 25 under any authority available to him, conservation practices

1 designed to enhance such fish or wildlife and their habitat
 2 or range. The Secretary of State, in consultation with the
 3 Secretary, shall take appropriate measures to encourage the
 4 development of adequate measures, including, if appro-
 5 priate, international agreements, to prevent such fish or
 6 wildlife from becoming threatened with extinction.

7 (2) To assure the worldwide conservation of endan-
 8 gered species and to avoid unnecessary harm to affected
 9 United States industries, the Secretary, through the Secre-
 10 tary of State, shall seek the convening of an international
 11 ministerial meeting on fish and wildlife prior to July 1,
 12 1973, and included in the business of that meeting shall be
 13 the signing of a binding international convention on the
 14 conservation of endangered species.

15 (b) The Secretary of Agriculture and the Secretary
 16 shall provide for appropriate coordination of the adminis-
 17 tration of this Act and amendments made by this Act, with
 18 the administration of the animal quarantine laws (19 U.S.C.
 19 1306; 21 U.S.C. 101-105, 111-135b, and 612-614).
 20 Nothing in this Act, or any amendment made by this Act,
 21 shall be construed as superseding or limiting in any manner
 22 the functions of the Secretary of Agriculture under any
 23 other law relating to prohibited or restricted importations
 24 of animals and other articles and no proceeding or determi-
 25 nation under this Act shall preclude any proceeding or be

1 considered determinative of any issue of fact or law in any
 2 proceeding under any Act administered by the Secretary
 3 of Agriculture.

4 (c) Whenever the Secretary determines, pursuant to
 5 this Act or any other authority vested in him, that a species
 6 or subspecies of fish or wildlife is endangered, the Secretary
 7 of Agriculture may use all authorities available to him with
 8 respect to research, investigations, conservation, develop-
 9 ment, protection, management, and enhancement of fish and
 10 wildlife, including, but not limited to, the conservation oper-
 11 ations program, watershed protection and flood prevention
 12 programs, rural environmental assistance program, Great
 13 Plains conservation program, resource conservation and
 14 development program, forestry programs, and water bank
 15 program, in the protection, control, management, or en-
 16 hancement of such species or subspecies. Recognizing the
 17 national and international interest in the protection and en-
 18 hancement of such species or subspecies, the Secretary of
 19 Agriculture is authorized, notwithstanding the provisions of
 20 any other law, to bear the full cost, or any lesser amount
 21 that he, in consultation with the Secretary, may determine
 22 desirable to accomplish the objectives of the Act, of the cost
 23 of installing any practice, measure, work of improvement,
 24 facility, or other developmental, protective, or management
 25 systems on private land, the primary purpose of which is

1 for the purpose of enabling the landowner to comply with
 2 the regulations, or other recommendations, of the Secretary
 3 pertaining to the protection, control, management, or en-
 4 hancement of such species or subspecies. The Secretary of
 5 Agriculture, in carrying out the purposes of this section,
 6 shall utilize his authorities to conduct research and investi-
 7 gations into vegetative and structural methods and other
 8 methods and practices, measures, works of improvement, and
 9 facilities most appropriate or effective in the protection,
 10 control, management, or enhancement of such species or
 11 subspecies. If determined desirable, the Secretary and the
 12 Secretary of Agriculture shall be authorized to jointly carry
 13 out research, surveys, and investigations. The Secretary is
 14 authorized to transfer to the Secretary of Agriculture such
 15 funds as may be necessary to carry out the purposes of this
 16 subsection.

17 (d) Nothing in this Act, or any amendment made by
 18 this Act, shall be construed as superseding or limiting in
 19 any manner the functions and responsibilities of the Secre-
 20 tary of the Treasury under the Tariff Act of 1930, as
 21 amended, including, without limitation, section 527 of such
 22 Act (19 U.S.C. 1527) relating to the importation of wild-
 23 life taken, killed, possessed, or exported to the United
 24 States in violation of the laws or regulations of a foreign
 25 country.

EXPANDED FLORA

1
2 Sec. 11. The Secretary of the Smithsonian Institution,
3 in conjunction with other affected agencies, is authorized and
4 directed to review (1) species and subspecies of endangered
5 plants, trees, and other flora, and (2) methods of providing
6 adequate protection to such species and subspecies, and to
7 report to Congress, within one year after the date of the
8 enactment of this Act, the results of such review. For the
9 purposes of this section, there is authorized to be appro-
10 priated \$250,000.

CONFORMING AMENDMENTS

11
12 Sec. 12. (a) Subsection 4 (c) of the Act of Octo-
13 ber 15, 1966 (80 Stat. 928), as amended (16 U.S.C. 668d
14 (c)), is further amended by revising the second sentence
15 thereof to read as follows: "With the exception of endangered
16 species listed by the Secretary pursuant to section 4 of the
17 Endangered Species Conservation Act of 1972, nothing in
18 this Act shall be construed to authorize the Secretary to
19 control or regulate hunting or fishing of resident fish and
20 wildlife on lands not within the system."

21 (b) Subsection 10 (a) of the Migratory Bird Conser-
22 vation Act (45 Stat. 1224), as amended (16 U.S.C. 715i
23 (a)), is further amended by inserting "or likely" within
24 the foreseeable future to become threatened with" between
25 the words "with" and "extinction".

(c) Subsection 401 (a) of the Act of June 15, 1955
(49 Stat. 383), as amended (16 U.S.C. 713s (a)), is
further amended by inserting "or likely within the foresee-
able future to become threatened with" between the words
"with" and "extinction" in the last sentence thereof.

(d) Section 6 (a) (1) of the Land and Water Conserva-
tion 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.—For lands, waters, or
interests therein, the acquisition of which is authorized
under section 5 (c) of the Endangered Species Conser-
vation Act of 1972, needed for the purpose of conserva-
tion, protecting, restoring, or propagating endangered
species of fish and wildlife."

REPEALS

SEC. 13. (a) Sections 1 through 3 of the Act of Octo-
ber 15, 1966 (80 Stat. 926, 927), as amended (16 U.S.C.
668aa-668cc), are hereby repealed in their entirety.

(b) Sections 1 through 6 of the Act of December 5,
1969 (83 Stat. 275-279; 16 U.S.C. 668cc-1 through
668c-6) are hereby repealed in their entirety.