

PART VI

LEGISLATIVE HISTORY OF THE 1980 AMENDMENTS TO THE ENDANGERED SPECIES ACT

ENDANGERED SPECIES ACT OF 1973, APPROPRIATION AUTHORIZATION
(SECTION 6), PUBLIC LAW 96-246

BACKGROUND

Authorization for funding Federal-State cooperative programs under Section 6 of the Endangered Species Act would expire in fiscal year 1981. The following quoted material explaining the purpose and need of the legislation is taken from the legislative report of the House Committee on Merchant Marine and Fisheries (Report No. 96-896, pp. 2-3):

Section 6 of the Endangered Species Act establishes a mechanism for the development of cooperative endangered species programs with the individual States. Section 6 places the fundamental responsibility for establishing and overseeing an endangered species program in the Federal Government. However, section 6 mandates that the Secretary of Commerce or the Secretary of the Interior, depending upon the species involved, cooperate with the States in carrying out the endangered species program. The cooperation envisioned by section 6 includes consultation with the States concerned before acquiring any land or water under the act and the development of cooperative management agreements with States that establish an adequate and active program for the conservation of endangered and threatened species.

Section 6 resulted from the realization that the successful development of an endangered species program depended upon a good working arrangement between the Federal and State agencies. Although the Federal agencies have the broad policy perspective and authority to carry out the act, the State agencies have the physical facilities and the personnel to see that the State and Federal endangered species policies are properly executed. Once any State qualifies under section 6, it becomes eligible to receive Federal matching grants on a 2 to 1 basis. Section 6 allows return of the management of endangered species to the individual State, along with Federal financial assistance, once the State has adopted an endangered species program which is consistent with, and not weaker than, the Federal program.

In 1977, Congress adopted an amendment to section 6 which was intended to encourage more States to sign cooperative

agreements with the Department of the Interior. The amendment permitted States to qualify for financial assistance even though their State laws did not give the State wildlife agency the authority for all species within the State that are on the endangered species list. A number of States had objected to providing their wildlife agency with the authority to conserve invertebrates. The amendment allowed a State to qualify for financial assistance if it had complied with all other requirements of the Endangered Species Act and had included plans to devote attention to the endangered species within the State most urgently in need of conservation programs. This amendment has been dramatically successful. Thirty-six States have now signed cooperative agreements with the Department of the Interior.

Public Law 95-212 had authorized \$16 million to carry out section 6 during fiscal years 1978 through 1981. Of this amount \$4 million remained to be appropriated in fiscal year 1981. H.R. 6839 authorized \$12 million to be appropriated in fiscal years 1981 and 1982 to carry out section 6 responsibilities. H.R. 6839, then, restated the authorization through fiscal year 1980, and added \$8 million to the amount previously authorized for fiscal years 1981 and 1982.

CHRONOLOGY—PUBLIC LAW 96-246

March 18, 1980.—H.R. 6839 introduced and referred to the Committee on Merchant Marine and Fisheries.

March 21, 1980.—Hearings on H.R. 6839 (and other measures) before the Subcommittee on Fisheries and Wildlife Conservation and the Environment.

March 26, 1980.—Subcommittee orders H.R. 6839 reported, as introduced, to the full Committee.

April 2, 1980.—Full Committee ordered the legislation reported to the House, without amendment.

April 22, 1980.—H.R. 6839 reported to the House (H. Rept. 96-896) by the Committee on Merchant Marine and Fisheries.

May 5, 1980.—H.R. 6839 considered and approved by the House without amendment.

May 12, 1980.—H.R. 6839 considered and approved by the Senate without amendment.

May 23, 1980.—H.R. 6839 signed into law by the President (Public Law 96-246).

Public Law 96-246
96th Congress

An Act

May 23, 1980
[H.R. 6839]

To authorize appropriations under the Endangered Species Act of 1973 to carry out State cooperative programs through fiscal year 1982.

Endangered
Species Act of
1973,
appropriation
authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1535) is further amended by striking out paragraph (2) of subsection (i) in its entirety and inserting in lieu thereof the following:

“(2) \$12,000,000 for the period beginning October 1, 1977, and ending September 30, 1980.

“(3) \$12,000,000 for the period beginning October 1, 1980, and ending September 30, 1982.”.

Approved May 23, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-896 (Comm. on Merchant Marine and Fisheries).
CONGRESSIONAL RECORD, Vol. 126 (1980):

May 5, considered and passed House.

May 12, considered and passed Senate.