

107TH CONGRESS
1ST SESSION

H. R. 3259

To amend the Endangered Species Act of 1973 to authorize Federal agencies to promptly respond to emergencies involving the health and safety of persons, in the same manner as such authority is available under the Wilderness Act.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 2001

Mr. McINNIS (for himself and Mr. HAYWORTH) introduced the following bill;
which was referred to the Committee on Resources

A BILL

To amend the Endangered Species Act of 1973 to authorize Federal agencies to promptly respond to emergencies involving the health and safety of persons, in the same manner as such authority is available under the Wilderness Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. EXEMPTION UNDER ENDANGERED SPECIES**
2 **ACT OF 1973 FOR AGENCY ACTION IN RE-**
3 **SPONSE TO HEALTH AND SAFETY EMER-**
4 **GENCIES.**

5 Section 7(j) of the Endangered Species Act of 1973
6 (16 U.S.C. 1536(j)) is amended—

7 (1) by inserting “(1)” after “(j)”; and

8 (2) by adding at the end the following new
9 paragraph:

10 “(2) The head of a Federal agency may authorize,
11 fund, or carry out an agency action notwithstanding any
12 other provision of this Act upon a determination that the
13 action is to be undertaken in response to an emergency
14 that involves or will likely involve the health and safety
15 of persons and a determination that the nature of the
16 emergency does not reasonably permit the application,
17 consultation, and consideration process otherwise required
18 by subsections (g) and (h). The agency head shall delegate
19 the authority to make such determinations to appropriate
20 field officers of the agency so as to ensure the timely re-
21 sponse by the agency to such emergencies. The agency
22 head shall notify the Committee of an exemption granted
23 by the agency under this paragraph as soon as practicable,
24 and the Committee shall accept such determinations and
25 approve the exemption.”.

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