

103^D CONGRESS
2^D SESSION

H. R. 2043

To reauthorize and amend the Endangered Species Act of 1973.

IN THE HOUSE OF REPRESENTATIVES

MAY 6, 1993

Mr. STUDDS (for himself, Mr. DINGELL, Mr. SAXTON, Mr. BONIOR, Mr. MILLER of California, Mr. FORD of Michigan, Mr. DELLUMS, Mr. CONYERS, Mr. HUGHES, Mr. MANTON, Mr. PALLONE, Mr. ANDREWS of Maine, Ms. FURSE, Ms. ESHOO, Mr. RAVENEL, Mr. BEILENSEN, Mrs. SCHROEDER, Mr. VENTO, Mr. FRANK of Massachusetts, Mr. PETERSON of Minnesota, Mr. STOKES, Mr. TOWNS, Mr. MARKEY, Mr. JEFFERSON, Mr. ABERCROMBIE, Miss COLLINS of Michigan, Mr. EVANS, Mr. MCDERMOTT, Mr. LEVIN, Mr. SHAYS, Mr. BERMAN, Mrs. MORELLA, Mr. WALSH, Mrs. MINK, Mr. COLEMAN, Mr. MEEHAN, Mrs. MALONEY, Mr. TORRES, Mr. MORAN, Mr. OLVER, Mr. NADLER, Ms. PELOSI, Mr. GILMAN, Mr. PORTER, Ms. WOOLSEY, Mr. PAYNE of New Jersey, Mr. BLACKWELL, Mr. SANDERS, Mr. CARDIN, Mr. SABO, Ms. SHEPHERD, Ms. SLAUGHTER, Mr. JOHNSTON of Florida, and Mr. HINCHEY) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

SEPTEMBER 13, 1993

Additional sponsors: Mr. CLAY, Mr. JACOBS, Mr. ENGEL, Mr. ACKERMAN, Mr. BORSKI, Mr. BECERRA, Mr. FISH, Mr. WAXMAN, Mr. LIPINSKI, Mr. GILCHREST, Mr. WELDON, Mr. REED, Mr. MAZZOLI, Mr. OWENS, Mr. COYNE, Ms. KAPTUR, Mr. REYNOLDS, Mr. WASHINGTON, Mr. SWETT, Mr. STARK, Mr. FLAKE, Ms. ROYBAL-ALLARD, Mr. NEAL of Massachusetts, Ms. NORTON, Ms. SCHENK, Mr. YATES, Mr. HASTINGS, Mr. GUTIERREZ, Mr. LANTOS, Mr. HAMBURG, Mr. WYNN, Mr. DIXON, Mr. ANDREWS of New Jersey, Mr. MACHTLEY, Ms. BYRNE, Mr. FOGLIETTA, Mr. RICHARDSON, Mr. BROWN of California, Mr. EDWARDS of California, Mr. TORRICELLI, and Mr. KILDEE

SEPTEMBER 12, 1994

Additional sponsors: Mr. MINETA, Mr. SERRANO, Mr. SKAGGS, Mr. RANGEL, Mr. NEAL of North Carolina, Mr. LEWIS of Georgia, Mr. GINGRICH, Mr. BARRETT of Wisconsin, Mr. FARR of California, Ms. MARGOLIES-MEZVINSKY, Mr. KENNEDY, Mr. ZIMMER, Ms. VELÁZQUEZ, Mr. GON-

ZALEZ, Mr. CARR of Michigan, Mr. GEJDENSON, Mr. FORD of Tennessee,
and Mr. MARTINEZ

A BILL

To reauthorize and amend the Endangered Species Act of
1973.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Endangered Species
5 Act Amendments of 1993”.

6 **SEC. 2. AMENDMENT OF ENDANGERED SPECIES ACT OF**
7 **1973.**

8 Except as otherwise expressly provided, whenever in
9 this Act an amendment or repeal is expressed in terms
10 of an amendment to, or repeal of, a section or other provi-
11 sion, the reference shall be considered to be made to a
12 section or other provision of the Endangered Species Act
13 of 1973 (16 U.S.C. 1531 et seq.).

14 **SEC. 3. LISTING AND DELISTING IMPROVEMENTS.**

15 (a) DELISTING.—Section 4(a) (16 U.S.C. 1533(a))
16 is amended by adding at the end the following new para-
17 graph:

18 “(4) The Secretary shall by regulation promulgated
19 in accordance with subsection (b) determine whether any

1 species is no longer an endangered species or a threatened
2 species because of a change in the factors identified under
3 paragraph (1).”.

4 (b) STATE PARTICIPATION.—Section 4(b)(1)(A) (16
5 U.S.C. 1533(b)(1)(A)) is amended by inserting “soliciting
6 and fully considering scientific and commercial data about
7 the status of the species from the State agency in each
8 appropriate State, if any, and” after “and after”.

9 (c) LISTING PRIORITIES.—Section 4(b)(1)(B) (16
10 U.S.C. 1533(b)(1)(B)) is amended to read as follows:

11 “(B) In carrying out this section, the Secretary shall
12 give consideration to species the conservation of which is
13 most likely to reduce the need to list other species depend-
14 ent upon the same ecosystem. In addition, the Secretary
15 shall give consideration to species which have been—

16 “(i) designated as requiring protection from un-
17 restricted commerce by any foreign nation or pursu-
18 ant to an international agreement; or

19 “(ii) identified as in danger of extinction, or
20 likely to become so within the foreseeable future, by
21 any State agency or by any agency of a foreign na-
22 tion that is responsible for the conservation of fish
23 or wildlife or plants.”.

24 (d) SCIENTIFIC PEER REVIEW.—Section 4(b)(5) (16
25 U.S.C. 1533(b)(5)) is amended—

1 (1) by redesignating subparagraphs (D) and
2 (E) as subparagraphs (E) and (F), respectively, and

3 (2) by inserting after subparagraph (C) the fol-
4 lowing:

5 “(D) in the case of a regulation to implement
6 a determination, request views on the proposed regu-
7 lation from at least 3 independent referees who,
8 through publication of peer-reviewed scientific lit-
9 erature, have demonstrated relevant scientific exper-
10 tise, if any person files within 30 days after the date
11 of publication of general notice a written request
12 that details a substantial scientific basis for ques-
13 tioning the sufficiency or accuracy of the available
14 data relevant to the determination;”.

15 (e) COORDINATION OF CRITICAL HABITAT DESIGNA-
16 TIONS AND RECOVERY PLANS.—Section 4(b)(6) (16
17 U.S.C. 1533(b)(6)) is amended by adding at the end the
18 following:

19 “(D) If the Secretary, under subparagraph (C), ex-
20 tends the one-year period, any final regulation designating
21 critical habitat shall incorporate relevant information
22 gathered during the development of the appropriate recov-
23 ery plan under section 5.”.

1 (f) IDENTIFICATION OF DATA NEEDS.—Section 4(b)
2 (16 U.S.C. 1533(b)) is amended by adding at the end the
3 following:

4 “(9) The Secretary shall identify and publish in the
5 Federal Register with a proposed rule under paragraph
6 (1) of subsection (a) a description of any additional sci-
7 entific and commercial data that would assist in the prepa-
8 ration of a recovery plan under section 5 for the species
9 to which the proposed rule relates.”.

10 (g) TAKINGS ASSESSMENTS.—Section 4(a) (16
11 U.S.C. 1533(a)) is amended by adding after paragraph
12 (4) (as added by subsection (a) of this section) the follow-
13 ing:

14 “(5) The Secretary shall, concurrently with
15 making a determination under paragraph (1) that a
16 species is an endangered species or a threatened spe-
17 cies, establish and notify the public of a procedure
18 whereby a person can receive an assessment from
19 the Secretary with respect to whether a particular
20 activity would constitute a taking prohibited under
21 section 9(a) (1) or (2).”.

22 **SEC. 4. RECOVERY PLANNING IMPROVEMENTS.**

23 (a) DEVELOPMENT AND IMPLEMENTATION OF RE-
24 COVERY PLANS.—Section 5 (16 U.S.C. 1534) is
25 amended—

1 (1) by redesignating subsections (a) and (b) in
2 order as subsections (c) and (d); and

3 (2) by striking “LAND ACQUISITION” and all
4 that follows through “SEC. 5.” and inserting the fol-
5 lowing:

6 “RECOVERY OF ENDANGERED SPECIES AND
7 THREATENED SPECIES

8 “SEC. 5. (a) RECOVERY PLANS.—

9 “(1) IN GENERAL.—

10 “(A) The Secretary shall, in cooperation
11 with the State agency in each appropriate
12 State, and on the basis of the best scientific
13 and commercial data available, develop and im-
14 plement plans (hereinafter in this subsection re-
15 ferred to as ‘recovery plans’) for the timely con-
16 servation of endangered species and threatened
17 species listed pursuant to section 4 (hereinafter
18 in this section referred to as ‘covered species’)
19 and the habitats on which such species depend,
20 unless the Secretary finds that such a plan will
21 not promote the conservation of a species.

22 “(B) The Secretary shall, consistent with
23 subparagraph (A), seek to minimize adverse so-
24 cial and economic consequences that may result
25 from implementation of recovery plans.

1 “(C) The Secretary shall develop and im-
2 plement a recovery plan for a species—

3 “(i) by not later than December 31,
4 1996, in the case of a species included in
5 the list published under section 4(c) before
6 January 1, 1996, and for which no recov-
7 ery plan was developed before that date;
8 and

9 “(ii) by not later than 18 months
10 after the date on which the species is first
11 included in a list published under section
12 4(c), in the case of any species that is first
13 included in such a list on or after January
14 1, 1996.

15 “(2) PRIORITIES FOR DEVELOPING AND IMPLE-
16 MENTING RECOVERY PLANS.—The Secretary shall to
17 the maximum extent practicable give priority to—

18 “(A) the development and implementation
19 of integrated, multispecies recovery plans for
20 the conservation of threatened species, endan-
21 gered species, or species which the Secretary
22 has identified as candidates for listing under
23 section 4 that are dependent upon a common
24 ecosystem; and

1 “(B) those endangered species or threat-
2 ened species, without regard to taxonomic clas-
3 sification, that are most likely to benefit from
4 recovery plans, particularly those species the
5 conservation of which is, or may be, in conflict
6 with construction or other development projects
7 or other forms of economic activity.

8 “(3) CONTENTS.—The Secretary shall to the
9 maximum extent practicable incorporate in each re-
10 covery plan the following:

11 “(A) A description of such site-specific
12 management actions as may be necessary to
13 achieve the goal of the recovery plan for the
14 conservation of covered species, including ac-
15 tions to maintain or restore ecosystems upon
16 which the species addressed by the plan are de-
17 pendent.

18 “(B) Objective, measurable criteria which,
19 when met, would result in a determination, in
20 accordance with the provisions of section 4, that
21 the covered species be removed from the list.

22 “(C) Estimates of the time required and
23 the cost—

24 “(i) to carry out those measures need-
25 ed to achieve the goal of the plan; and

1 “(ii) to achieve intermediate steps to-
2 ward that goal.

3 “(D) A description of actions that will be
4 taken to minimize adverse social or economic
5 impacts that may result from implementation of
6 the recovery plan.

7 “(E) Strategies that utilize existing Fed-
8 eral lands, to the extent such lands are avail-
9 able, to promote the conservation of the covered
10 species.

11 “(F) An identification of recovery meas-
12 ures which, if taken by Federal agencies, would
13 contribute to the conservation of the covered
14 species.

15 “(G) An identification of the specific areas
16 or circumstances, if any, in which the develop-
17 ment and implementation of conservation plans
18 under section 10(a)(2) would contribute to the
19 conservation of the covered species and help re-
20 duce conflicts between species conservation and
21 economic activity.

22 “(H) An identification of the specific areas
23 or circumstances, if any, in which entering into
24 agreements with private landowners under sec-

1 tion 14 would promote the conservation of the
2 covered species.

3 “(I) An identification of the opportunities
4 to cooperate with municipalities, political sub-
5 divisions of States, and other persons, in ac-
6 tions which would contribute to the conserva-
7 tion of the covered species.

8 “(4) PUBLIC REVIEW AND COMMENT.—

9 “(A) The Secretary shall, before giving
10 final approval of a new or revised recovery
11 plan—

12 “(i) provide public notice and an op-
13 portunity for public review and comment
14 on the plan; and

15 “(ii) consider all information pre-
16 sented during the public comment period.

17 “(B) Each Federal agency shall, before im-
18 plementing a new or revised recovery plan, con-
19 sider all information presented during the pub-
20 lic comment period under subparagraph (A).

21 “(5) PUBLIC OUTREACH.—

22 “(A) The Secretary, in developing and im-
23 plementing recovery plans—

24 “(i) may procure the services of ap-
25 propriate public and private agencies and

1 institutions and other qualified persons;
2 and

3 “(ii) shall, in cooperation with the ap-
4 propriate State agency, solicit the partici-
5 pation of relevant Federal agencies and ap-
6 propriate persons to identify matters under
7 paragraph (3)(E), (F), (G), (H), and (I).

8 “(B) Recovery teams appointed pursuant
9 to this subsection shall not be subject to the
10 Federal Advisory Committee Act.

11 “(6) REPORTS.—The Secretary shall report
12 every 2 years to the Committee on Environment and
13 Public Works of the Senate and the Committee on
14 Merchant Marine and Fisheries of the House of
15 Representatives on the status of efforts to develop
16 and implement recovery plans for all species listed
17 pursuant to section 4 and on the status of all species
18 for which such plans have been developed.

19 “(b) MONITORING.—

20 “(1) IN GENERAL.—The Secretary shall imple-
21 ment a system in cooperation with the States to
22 monitor effectively for not less than 5 years the sta-
23 tus of all species which have recovered to the point
24 at which the measures provided pursuant to this Act
25 are no longer necessary and which, in accordance

1 with the provisions of section 4, have been removed
2 from either of the lists published under section 4(c).

3 “(2) PREVENTING RISKS TO RECOVERED SPE-
4 CIES.—The Secretary shall make prompt use of the
5 authority under section 4(b)(7) to prevent a signifi-
6 cant risk to the well-being of any recovered species
7 referred to in paragraph (1).”

8 (b) EXISTING RECOVERY PLANS.—

9 (1) CONTINUING EFFECT OF EXISTING
10 PLANS.—Each recovery plan developed under the
11 Endangered Species Act of 1973 before the date of
12 the enactment of this Act shall continue in effect
13 until revised by the Secretary (as that term is de-
14 fined in section 3 of the Act) in accordance with
15 that Act as amended by this Act.

16 (2) REVISION.—The Secretary (as that term is
17 defined in section 3 of the Endangered Species Act
18 of 1973) may revise each recovery plan developed
19 under the Endangered Species Act of 1973 before
20 the date of the enactment of this Act so as to con-
21 form the recovery plan to section 5 of that Act, as
22 amended by this Act, giving priority to recovery
23 plans whose revision would provide the greatest ben-
24 efit to species listed under section 4 of that Act and

1 species which the Secretary has identified as can-
2 didates for listing under section 4 of that Act.

3 (c) CONFORMING AMENDMENTS.—

4 (1) The table of contents in the first section is
5 amended by striking the item relating to section 5
6 and inserting the following:

“Sec. 5. Recovery of endangered species and threatened species.”.

7 (2) Section 4 (16 U.S.C. 1533) is amended—

8 (A) by striking subsections (f) and (g);

9 (B) in subsection (h)(4) by striking “sub-
10 section (f) of this section” and inserting “sec-
11 tion 5”;

12 (C) by redesignating subsection (h) as sub-
13 section (f); and

14 (D) by redesignating subsection (i) by
15 striking “(i)” and inserting the following: “(g)
16 RESPONSE TO STATE COMMENTS.—”.

17 (3) Section 6(d) (16 U.S.C. 1535(d)) is amend-
18 ed by striking “Section 4(g)” and inserting “Section
19 5(b)”.

20 (4) Section 7(a)(1) of the Land and Water
21 Construction Fund Act of 1965 (16 U.S.C. 460l-
22 9(a)(1)) is amended in the third undesignated sub-
23 paragraph by striking “Section 5(a)” and inserting
24 “Section 5(c)”.

1 **SEC. 5. IMPROVED COOPERATION WITH THE STATES.**

2 Section 6(a) (16 U.S.C. 1535(a)) is amended by add-
3 ing at the end thereof the following new sentence: “In co-
4 operating with State agencies in carrying out this Act, the
5 Secretary shall not be subject to the Federal Advisory
6 Committee Act.”.

7 **SEC. 6. FEDERAL CONSERVATION OF SPECIES.**

8 (a) POLICY OF CONGRESS.—Section 2(c)(1) (16
9 U.S.C. 1531(c)(1)) is amended to read as follows:

10 “(1) It is further declared to be the policy of
11 the Congress that all Federal departments and agen-
12 cies shall—

13 “(A) conserve endangered species, threat-
14 ened species, species which have been proposed
15 for listing under section 4, and species which
16 the Secretary has identified as candidates for
17 listing under section 4; and

18 “(B) utilize their authorities in furtherance
19 of this policy and the purposes of this Act.”.

20 (b) FEDERAL AGENCY AGREEMENTS FOR THE CON-
21 SERVATION OF CANDIDATE SPECIES.—Section 7(a)(1)
22 (16 U.S.C. 1536(a)(1)) is amended—

23 (1) by inserting before the period at the end the
24 following: “and species identified as candidates for
25 listing, including the implementation of recovery
26 plans for listed species.”;

1 (2) by inserting “(A)” after “(1)”; and

2 (3) by adding the following:

3 “(B) The head of each Federal agency responsible for
4 the management of lands and waters—

5 “(i) shall, by not later than December 31,
6 1994, prepare and provide to the Secretary an in-
7 ventory of all endangered species, threatened species,
8 species which have been proposed for listing under
9 section 4, and species which the Secretary has iden-
10 tified as candidates for listing under section 4, which
11 are located on lands and waters within the jurisdic-
12 tion of the agency;

13 “(ii) shall by not later than December 31,
14 1995, identify measures to be taken on lands and
15 waters under the jurisdiction of the agency to con-
16 serve species which the Secretary has identified as
17 candidates for listing under section 4; and

18 “(iii) may enter into agreements with the Sec-
19 retary to further the conservation of species which
20 the Secretary has identified as candidates for listing
21 under section 4.”.

22 **SEC. 7. IMPROVED FEDERAL AGENCY COORDINATION.**

23 Section 7(a) (16 U.S.C. 1536(a)) is amended by add-
24 ing at the end thereof the following:

1 “(5) CONSOLIDATION OF CONSULTATIONS AND CON-
2 FERENCES.—

3 “(A) Consultations and conferences under this
4 section between the Secretary and a Federal agency
5 may, if approved by the Secretary, encompass a
6 number of similar or related agency actions to be
7 undertaken within a particular geographical area or
8 ecosystem.

9 “(B) The Secretary may consolidate requests
10 for consultations or conferences from various Fed-
11 eral agencies whose proposed actions may affect en-
12 dangered species, threatened species, or species
13 which have been proposed for listing under section
14 4, that are dependent on the same ecosystem.”.

15 **SEC. 8. INCENTIVES FOR CONSERVATION OF CANDIDATE**
16 **AND OTHER SPECIES ON STATE AND PRIVATE**
17 **LANDS.**

18 (a) CONSERVATION PLANNING.—Section 13 (87
19 Stat. 901; relating to conforming amendments) is amend-
20 ed to read as follows:

21 “CONSERVATION PLANNING

22 “SEC. 13. (a) CONSERVATION PLANNING FOR CAN-
23 DIDATE SPECIES.—

24 “(1) DEVELOPMENT OF PLANS.—

25 “(A) Any State, county, municipality, po-
26 litical subdivision of a State, or other person

1 may develop a plan for the conservation of any
2 species which has been proposed for listing or
3 identified by the Secretary as a candidate for
4 listing under section 4.

5 “(B) A plan developed under this para-
6 graph shall cover an area that, alone or when
7 considered in association with nearby lands
8 dedicated to conservation, is sufficiently large in
9 size to encompass adequate suitable habitat
10 within which the covered species can be main-
11 tained over the long-term.

12 “(2) PERMIT ISSUANCE.—If a plan developed
13 pursuant to paragraph (1) specifies the information
14 required under section 10(a)(2)(A), and if after op-
15 portunity for public comment on the plan the Sec-
16 retary makes the findings required under section
17 10(a)(2)(B), the Secretary shall, upon receipt of
18 such assurances as the Secretary may require that
19 the plan will be implemented, issue a permit under
20 this paragraph. Such a permit shall be treated, upon
21 the listing under section 4 of any species for which
22 the plan was developed, as a permit issued for that
23 species under section 10(a)(1)(B).

1 “(3) REVIEW UPON LISTING.—Upon the listing
2 under section 4 of a species for which a permit is
3 issued under paragraph (2), the Secretary shall—

4 “(A) review the terms and implementation
5 of each permit issued under paragraph (2) for
6 that species;

7 “(B) determine whether each of those per-
8 mittees has complied with the terms of their
9 permit; and

10 “(C) suspend the permit of any of those
11 permittees that is determined under subpara-
12 graph (B) to have not complied with their per-
13 mit.

14 “(b) FEDERAL ASSISTANCE TO STATE AND LOCAL
15 GOVERNMENTS FOR DEVELOPMENT OF PLANS.—

16 “(1) ESTABLISHMENT OF HABITAT CONSERVA-
17 TION PLANNING FUND.—The Secretary shall estab-
18 lish a Habitat Conservation Planning Fund (here-
19 after referred to in this subsection as the ‘Fund’),
20 which shall—

21 “(A) consist of all sums appropriated pur-
22 suant to section 15(d), and

23 “(B) be administered by the Secretary as
24 a revolving fund.

1 “(2) AUTHORITY TO MAKE GRANTS OR AD-
2 VANCES FROM FUND.—The Secretary may make a
3 grant or interest-free advance from the Fund to any
4 State, county, municipality, or political subdivision
5 of any State to assist in the development of a plan
6 under this section or section 10(a)(2). A grant or
7 advance under this paragraph for development of a
8 plan may not exceed the total financial contribution
9 of the other parties participating in development of
10 the plan.

11 “(3) CRITERIA FOR GRANTS AND ADVANCES
12 FROM THE FUND.—In making grants and advances
13 under paragraph (1) for a plan, the Secretary shall
14 consider—

15 “(A) the number of species for which the
16 plan is to be developed;

17 “(B) the commitment to participate in the
18 planning process from a diversity of interests
19 (including local governmental, business, envi-
20 ronmental, and landowner interests);

21 “(C) the likelihood of success of the plan-
22 ning effort; and

23 “(D) other factors the Secretary considers
24 appropriate.

1 “(4) REPAYMENT OF ADVANCES FROM THE
2 FUND.—

3 “(A) Except as provided in subparagraph
4 (B), sums advanced from the Fund shall be re-
5 paid within 10 years after the date of the ad-
6 vance.

7 “(B) Sums advanced under this subsection
8 for development of a plan shall be repaid within
9 4 years after the date of the advance if—

10 “(i) no plan is developed within 3
11 years after the date of the advance; or

12 “(ii) in the case of an advance for the
13 development of a plan under section
14 10(a)(2), no permit is issued under section
15 10(a)(1)(B) based on the plan within 3
16 years after the date of the advance.

17 “(C) Sums received by the United States
18 as repayment of advances from the Fund shall
19 be credited to the Fund and available for fur-
20 ther advances in accordance with this sub-
21 section without further appropriation.”.

22 (b) CONFORMING AMENDMENT.—The table of con-
23 tents in the first section is amended by striking the item
24 relating to section 13 and inserting the following:

“Sec. 13. Conservation planning.”.

1 (c) MITIGATION.—Section 10(a)(2)(A)(ii) (16 U.S.C.
2 1539(a)(2)(A)(ii)), is amended to read as follows:

3 “(ii) what measures, such as conservation
4 easements, land acquisition, regulatory controls,
5 exotic species controls, and active habitat man-
6 agement, the applicant will take to minimize
7 and mitigate those impacts and the funding
8 that will be available to implement those
9 measures;”.

10 (d) HABITAT CONSERVATION PLANNING PILOT
11 PROJECT.—The Secretary shall—

12 (1) solicit and review an application for a per-
13 mit under section 13(a)(2) of the Endangered Spe-
14 cies Act of 1973, as amended by this Act, in which
15 the use of market incentives are used as a strategy
16 to implement a plan under section 13(a) of that Act;
17 and

18 (2) report to the Committee on Merchant Ma-
19 rine and Fisheries of the House of Representatives
20 and the Committee on Environment and Public
21 Works of the Senate, by not later than December
22 31, 1995, on the extent to which that strategy pro-
23 vides for the conservation of species for which the
24 permit is issued.

1 **SEC. 9. FEDERAL ASSISTANCE TO HELP PRIVATE LAND-**
2 **OWNERS TO CONSERVE SPECIES.**

3 (a) INCENTIVES FOR PRIVATE LANDOWNERS.—Sec-
4 tion 14 (87 Stat. 903; relating to a repeal) is amended
5 to read as follows:

6 “INCENTIVES FOR PRIVATE LANDOWNERS TO ASSIST RE-
7 COVERY OF ENDANGERED SPECIES, THREATENED
8 SPECIES, AND CANDIDATE SPECIES

9 “SEC. 14. (a) ASSISTANCE AGREEMENTS.—The Sec-
10 retary, in cooperation with the relevant State agency in
11 each appropriate State and subject to the availability of
12 appropriations, may enter into an agreement with any per-
13 son who is a private landowner, under which—

14 “(1) the person agrees to carry out on land
15 they own activities that the Secretary determines
16 will promote—

17 “(A) the conservation of an endangered
18 species or threatened species pursuant to a re-
19 covery plan; or

20 “(B) the conservation of a species the Sec-
21 retary has identified to be a candidate for list-
22 ing under section 4; and

23 “(2) the Secretary agrees to pay to the person
24 such amount as may be agreed by the person and
25 the Secretary.

1 “(b) PROHIBITION ON ASSISTANCE FOR CERTAIN
2 REQUIRED ACTIVITIES.—The Secretary may not pay any
3 amount as assistance under this section for any action
4 that is—

5 “(1) required under a permit issued pursuant
6 to section 10(a)(2)(B);

7 “(2) a condition of any other permit under this
8 Act; or

9 “(3) otherwise required under this Act or any
10 other Federal law.

11 “(c) ENSURING IMPLEMENTATION OF AGREE-
12 MENTS.—The Secretary shall be responsible for ensuring
13 that the terms of agreements under this section are car-
14 ried out.

15 “(d) TECHNICAL ASSISTANCE.—The Secretary may
16 provide, to a person that enters into an agreement under
17 this section, technical assistance in the implementation of
18 activities required under the agreement under subsection
19 (a)(1).”.

20 (b) CONFORMING AMENDMENT.—The table of con-
21 tents in the first section is amended by striking the item
22 relating to section 14 and inserting the following:

“Sec. 14. Incentives for private landowners to assist recovery of endangered
species, threatened species, and candidate species.”.

23 (c) REPORT ON INCENTIVES FOR CONSERVATION OF
24 SPECIES.—Within 12 months after the date of enactment

1 of this Act, the Secretary, in consultation with the Sec-
2 retary of the Treasury, shall submit to the Senate Com-
3 mittee on Environment and Public Works and the House
4 Committee on Merchant Marine and Fisheries a report
5 containing—

6 (1) a compilation and analysis of existing and
7 potential Federal expenditures, financial assistance,
8 and tax provisions which have the effect of encour-
9 aging private landowner conservation of the habitat
10 of endangered species, threatened species, or species
11 which the Secretary has identified to be a candidate
12 for listing under section 4 of the Endangered Spe-
13 cies Act of 1973;

14 (2) a compilation and analysis of existing and
15 potential Federal expenditures, financial assistance,
16 and tax provisions which have the effect of discour-
17 aging private landowner conservation of the habitat
18 of endangered species, threatened species, or species
19 which the Secretary has identified to be a candidate
20 for listing under section 4 of the Endangered Spe-
21 cies Act of 1973;

22 (3) a compilation and analysis of Federal statu-
23 tory and regulatory mechanisms, including expendi-
24 tures and financial assistance, which have the effect
25 of discouraging the conservation of endangered spe-

1 cies, threatened species, or species which the Sec-
2 retary has identified as candidates for listing under
3 section 4 of the Endangered Species Act of 1973;
4 and

5 (4) recommendations based on the compilations
6 and analyses under paragraphs (1), (2), and (3)
7 which would promote conservation of the habitat of
8 endangered species, threatened species, or species
9 which the Secretary has identified to be a candidate
10 for listing under section 4 of the Endangered Spe-
11 cies Act of 1973.

12 **SEC. 10. IMPROVING INTERNATIONAL CONSERVATION OF**
13 **SPECIES.**

14 (a) WESTERN HEMISPHERE CONVENTION.—Section
15 8A(e) (16 U.S.C. 1537a(e)) is amended—

16 (1) in paragraph (2) by redesignating subpara-
17 graphs (A), (B), and (C) in order as subparagraphs
18 (C), (D), and (E); and

19 (2) by inserting before paragraph (2)(C), as so
20 redesignated, the following:

21 “(A) placement of permanent United States li-
22 aisons in contracting party nations or in regions rep-
23 resenting several contracting party nations, includ-
24 ing Mexico, Central America, northern South Amer-

1 ica, Brazil, southern South America, and the Carib-
2 bean;

3 “(B) cooperation with contracting parties and
4 appropriate international organizations for the pur-
5 poses of—

6 “(i) convening a conference of the parties
7 and appropriate technical meetings on coopera-
8 tive bilateral and multilateral actions to imple-
9 ment the Western Convention, and

10 “(ii) establishing and supporting a Perma-
11 nent Office of the Western Convention;”;

12 (3) in paragraph (2)(D), as so redesignated, by
13 striking “and” after the semicolon;

14 (4) in paragraph (2)(E), as so redesignated, by
15 striking the period and inserting “; and”;

16 (5) by adding at the end of paragraph (2) the
17 following:

18 “(F) implementation of cooperative measures to
19 conserve sensitive and threatened habitats and
20 ecosystems.”; and

21 (6) in paragraph (3) by striking “1985,” and
22 inserting “1995, and every 3 years thereafter,”.

23 (b) REGULATIONS TO IMPLEMENT CONVENTION ON
24 INTERNATIONAL TRADE IN ENDANGERED SPECIES OF
25 WILD FAUNA AND FLORA.—Section 11(f) (16 U.S.C.

1 1540(f)) is amended in the first sentence by striking “en-
2 force this Act,” and inserting “enforce this Act and to
3 carry out the Convention and resolutions adopted under
4 the Convention by the parties to the Convention,”.

5 **SEC. 11. CITIZEN SUITS.**

6 Section 11(g)(2)(A)(i) (16 U.S.C. 1540(g)(2)(A)(i))
7 is amended by inserting before the semicolon the following:
8 “, except that such action may be brought immediately
9 after such notification in the case of an action against any
10 person respecting an emergency posing an immediate and
11 significant risk to the continued existence of any species
12 of fish or wildlife or plants included in the list published
13 under section 4(c);”.

14 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

15 Section 15 (16 U.S.C. 1542) is amended to read as
16 follows:

17 “AUTHORIZATION OF APPROPRIATIONS

18 “SEC. 15. (a) IN GENERAL.—In addition to amounts
19 authorized under section 6(i) and subsections (b), (c), (d),
20 and (e) of this section, there are authorized to be appro-
21 priated—

22 “(1) to the Secretary of the Interior for carry-
23 ing out functions of the Secretary of the Interior
24 under this Act \$110,000,000 for fiscal year 1994,
25 \$120,000,000 for fiscal year 1995, \$130,000,000 for
26 fiscal year 1996, \$140,000,000 for fiscal year 1997,

1 \$150,000,000 for fiscal year 1998, and
2 \$160,000,000 for fiscal year 1999;

3 “(2) to the Secretary of Commerce for carrying
4 out functions of the Secretary of Commerce under
5 this Act \$15,000,000 for fiscal year 1994,
6 \$20,000,000 for fiscal year 1995, \$25,000,000 for
7 fiscal year 1996, \$30,000,000 for fiscal year 1997,
8 \$35,000,000 for fiscal year 1998, and \$40,000,000
9 for fiscal year 1999; and

10 “(3) to the Secretary of Agriculture for carry-
11 ing out functions of the Secretary of Agriculture
12 with respect to enforcement of this Act and the Con-
13 vention which pertain to the importation or expor-
14 tation of plants \$4,000,000 for each of fiscal years
15 1994 through 1999.

16 “(b) EXEMPTIONS FROM ACT.—There are authorized
17 to be appropriated to the Secretary to assist the Secretary
18 and the Endangered Species Committee in carrying out
19 their functions under section 7 (e), (g), and (h) \$625,000
20 for each of fiscal years 1994 through 1999.

21 “(c) CONVENTION IMPLEMENTATION.—There are au-
22 thorized to be appropriated to the Department of the Inte-
23 rior for carrying out section 8A(e) \$1,000,000 for each
24 of fiscal years 1994 through 1999.

1 “(d) HABITAT CONSERVATION PLANNING FUND.—
2 To assist in the development of plans under sections
3 10(a)(2) and 13, there are authorized to be appropriated
4 to the Secretary \$20,000,000, which shall be deposited
5 into the Habitat Conservation Planning Fund established
6 under section 13(b).

7 “(e) PRIVATE ASSISTANCE.—There are authorized to
8 be appropriated to the Secretary \$25,000,000 for each of
9 fiscal years 1994 through 1999 for implementing section
10 14.

11 “(f) AVAILABILITY.—Amounts appropriated under
12 the authority of this section shall remain available until
13 expended.”.

14 **SEC. 13. REPORT ON CONSERVATION OF PLANTS.**

15 Not later than 1 year after the date of the enactment
16 of this Act, the Secretary of the Interior shall submit to
17 the Committee on Merchant Marine and Fisheries of the
18 House of Representatives and the Committee on Environ-
19 ment and Public Works of the Senate a report on the ex-
20 tent to which provisions of the Endangered Species Act
21 of 1973 relating to species of plants that are listed under
22 section 4 of that Act are sufficient to provide for the con-
23 servation and survival of those plants. The report shall
24 include recommendations on any additional measures that

- 1 should be taken to ensure the conservation and survival
- 2 of those plants.

○

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