103D CONGRESS 2D 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. Beilenson, 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-
- restricted commerce by any foreign nation or pursu-
- ant to an international agreement; or
- 19 "(ii) identified as in danger of extinction, or
- likely to become so within the foreseeable future, by
- any State agency or by any agency of a foreign na-
- 22 tion that is responsible for the conservation of fish
- 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 following:
- "(D) in the case of a regulation to implement 5 6 a determination, request views on the proposed regulation from at least 3 independent referees who, 7 through publication of peer-reviewed scientific lit-8 erature, have demonstrated relevant scientific exper-9 10 tise, if any person files within 30 days after the date of publication of general notice a written request 11 that details a substantial scientific basis for ques-12 tioning the sufficiency or accuracy of the available 13 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
- making a determination under paragraph (1) that a
- species is an endangered species or a threatened spe-
- cies, establish and notify the public of a procedure
- whereby a person can receive an assessment from
- the Secretary with respect to whether a particular
- 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—

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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

are no longer necessary and which, in accordance

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- with the provisions of section 4, have been removed from either of the lists published under section 4(c).
- "(2) Preventing risks to recovered spe-CIES.—The Secretary shall make prompt use of the authority under section 4(b)(7) to prevent a significant risk to the well-being of any recovered species referred to in paragraph (1)."

(b) Existing Recovery Plans.—

- (1) CONTINUING EFFECT OF EXISTING PLANS.—Each recovery plan developed under the Endangered Species Act of 1973 before the date of the enactment of this Act shall continue in effect until revised by the Secretary (as that term is defined in section 3 of the Act) in accordance with that Act as amended by this Act.
- (2) Revision.—The Secretary (as that term is defined in section 3 of the Endangered Species Act of 1973) may revise each recovery plan developed under the Endangered Species Act of 1973 before the date of the enactment of this Act so as to conform the recovery plan to section 5 of that Act, as amended by this Act, giving priority to recovery plans whose revision would provide the greatest benefit 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)".

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
- the Congress that all Federal departments and agen-
- cies shall—
- 13 "(A) conserve endangered species, threat-
- ened species, species which have been proposed
- for listing under section 4, and species which
- the Secretary has identified as candidates for
- listing under section 4; and
- 18 "(B) utilize their authorities in furtherance
- 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
- following: "and species identified as candidates for
- listing, including the implementation of recovery
- plans for listed species.";

(2) by inserting "(A)" after "(1)"; and 1 2 (3) by adding the following: 3 "(B) The head of each Federal agency responsible for 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 identified as candidates for listing under section 4, which 10 11 are located on lands and waters within the jurisdic-12 tion of the agency; "(ii) shall by not later than December 31, 13 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.". SEC. 7. IMPROVED FEDERAL AGENCY COORDINATION. Section 7(a) (16 U.S.C. 1536(a)) is amended by add-23 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.".
	SEC. 8. INCENTIVES FOR CONSERVATION OF CANDIDATE
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	AND OTHER SPECIES ON STATE AND PRIVATE
15 16 17	
16 17	AND OTHER SPECIES ON STATE AND PRIVATE
16 17 18	AND OTHER SPECIES ON STATE AND PRIVATE LANDS.
16 17 18 19	AND OTHER SPECIES ON STATE AND PRIVATE LANDS. (a) CONSERVATION PLANNING.—Section 13 (87)
16 17 18 19	AND OTHER SPECIES ON STATE AND PRIVATE LANDS. (a) Conservation Planning.—Section 13 (87) Stat. 901; relating to conforming amendments) is amend-
16 17 18 19 20	LANDS. (a) Conservation Planning.—Section 13 (87) Stat. 901; relating to conforming amendments) is amended to read as follows:
16 17 18 19 20 21	LANDS. (a) Conservation Planning.—Section 13 (87) Stat. 901; relating to conforming amendments) is amended to read as follows: "Conservation Planning
16 17 18 19 20 21 22	LANDS. (a) Conservation Planning.—Section 13 (87) Stat. 901; relating to conforming amendments) is amended to read as follows: "Conservation Planning "Sec. 13. (a) Conservation Planning for Can-
116 117 118 119 20 21 22 23	LANDS. (a) Conservation Planning.—Section 13 (87) Stat. 901; relating to conforming amendments) is amended to read as follows: "Conservation Planning "Sec. 13. (a) Conservation Planning for Candidate Species.—

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

"(B) A plan developed under this paragraph shall cover an area that, alone or when considered in association with nearby lands dedicated to conservation, is sufficiently large in size to encompass adequate suitable habitat within which the covered species can be maintained over the long-term.

"(2) PERMIT ISSUANCE.—If a plan developed pursuant to paragraph (1) specifies the information required under section 10(a)(2)(A), and if after opportunity for public comment on the plan the Secretary makes the findings required under section 10(a)(2)(B), the Secretary shall, upon receipt of such assurances as the Secretary may require that the plan will be implemented, issue a permit under this paragraph. Such a permit shall be treated, upon the listing under section 4 of any species for which the plan was developed, as a permit issued for that 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:

 $\hbox{``Sec. 13. Conservation planning.''}.$

(c) MITIGATION.—Section 10(a)(2)(A)(ii) (16 U.S.C. 1 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, exotic species controls, and active habitat man-5 6 agement, the applicant will take to minimize 7 and mitigate those impacts and the funding that will be available to implement those 8 9 measures;". 10 HABITAT CONSERVATION PLANNING Pilot PROJECT.—The Secretary shall— 12 (1) solicit and review an application for a permit under section 13(a)(2) of the Endangered Spe-13 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 Works of the Senate, by not later than December 21 22 31, 1995, on the extent to which that strategy provides for the conservation of species for which the 23 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
- 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—

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- 6 (1) a compilation and analysis of existing and 7 potential Federal expenditures, financial assistance, and tax provisions which have the effect of encour-8 9 aging private landowner conservation of the habitat of endangered species, threatened species, or species 10 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;
 - (2) a compilation and analysis of existing and potential Federal expenditures, financial assistance, and tax provisions which have the effect of discouraging private landowner conservation of the habitat of endangered species, threatened species, or species which the Secretary has identified to be a candidate for listing under section 4 of the Endangered Species Act of 1973;
 - (3) a compilation and analysis of Federal statutory and regulatory mechanisms, including expenditures and financial assistance, which have the effect 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.
13 14	species. (a) Western Hemisphere Convention.—Section
	(a) Western Hemisphere Convention.—Section
14	(a) Western Hemisphere Convention.—Section
14 15	(a) Western Hemisphere Convention.—Section 8A(e) (16 U.S.C. 1537a(e)) is amended—
141516	(a) Western Hemisphere Convention.—Section 8A(e) (16 U.S.C. 1537a(e)) is amended— (1) in paragraph (2) by redesignating subpara-
14 15 16 17	(a) Western Hemisphere Convention.—Section 8A(e) (16 U.S.C. 1537a(e)) is amended— (1) in paragraph (2) by redesignating subparagraphs (A), (B), and (C) in order as subparagraphs
14 15 16 17 18	 (a) Western Hemisphere Convention.—Section 8A(e) (16 U.S.C. 1537a(e)) is amended— (1) in paragraph (2) by redesignating subparagraphs (A), (B), and (C) in order as subparagraphs (C), (D), and (E); and
14 15 16 17 18	 (a) Western Hemisphere Convention.—Section 8A(e) (16 U.S.C. 1537a(e)) is amended— (1) in paragraph (2) by redesignating subparagraphs (A), (B), and (C) in order as subparagraphs (C), (D), and (E); and (2) by inserting before paragraph (2)(C), as so
14 15 16 17 18 19 20	 (a) Western Hemisphere Convention.—Section 8A(e) (16 U.S.C. 1537a(e)) is amended— (1) in paragraph (2) by redesignating subparagraphs (A), (B), and (C) in order as subparagraphs (C), (D), and (E); and (2) by inserting before paragraph (2)(C), as so redesignated, the following:
14 15 16 17 18 19 20 21	 (a) Western Hemisphere Convention.—Section 8A(e) (16 U.S.C. 1537a(e)) is amended— (1) in paragraph (2) by redesignating subparagraphs (A), (B), and (C) in order as subparagraphs (C), (D), and (E); and (2) by inserting before paragraph (2)(C), as so redesignated, the following: "(A) placement of permanent United States li-

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 FALINA AND FLORA—Section 11(f) (16 LLSC)

- 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—
- "(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-
- ing out functions of the Secretary of Agriculture
- with respect to enforcement of this Act and the Con-
- vention which pertain to the importation or expor-
- 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.
- 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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HR 2043 SC——2