

103D CONGRESS
1ST SESSION

S. 921

To reauthorize and amend the Endangered Species Act for the conservation of threatened and endangered species, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 6 (legislative day, APRIL 19), 1993

Mr. BAUCUS (for himself, Mr. CHAFEE, Mr. GRAHAM, Mr. MOYNIHAN, Mr. MITCHELL, Mr. LIEBERMAN, Mrs. BOXER, Mr. SARBANES, Mr. PELL, Mr. KENNEDY, Mr. LEAHY, Mr. KERRY, Mr. AKAKA, and Mr. DURENBERGER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To reauthorize and amend the Endangered Species Act for the conservation of threatened and endangered species, 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 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. AMENDMENT OF ENDANGERED SPECIES ACT OF**
2 **1973.**

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

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

10 (a) DELISTING.—Section 4(a) (16 U.S.C. 1533(a))
11 is amended by adding the following new paragraph:

12 “(4) The Secretary shall by regulation promulgated
13 in accordance with subsection (b) determine whether any
14 species is no longer an endangered species or a threatened
15 species because of a change in the factors identified under
16 paragraph (1).”.

17 (b) STATE PARTICIPATION.—Section 4(b)(1)(A) (16
18 U.S.C. 1533(b)(1)(A)) is amended by inserting “soliciting
19 and fully considering scientific and commercial data con-
20 cerning the status of the species from the State agency
21 in each appropriate State, if any, and” after “and after”.

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

24 “(B) In carrying out this section, the Secretary shall
25 give consideration to species the conservation of which is
26 most likely to reduce the need to list other species depend-

1 ent upon the same ecosystem. In addition, the Secretary
2 shall give consideration to species which have been—

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

6 “(ii) identified as in danger of extinction, or
7 likely to become so within the foreseeable future, by
8 any State agency or by any agency of a foreign na-
9 tion that is responsible for the conservation of fish
10 or wildlife or plants.”.

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

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

15 (2) by inserting after subparagraph (C) the fol-
16 lowing:

17 “(D) in the case of a regulation to implement
18 a determination, request views on the proposed regu-
19 lation from at least three independent referees who,
20 through publication of peer-reviewed scientific lit-
21 erature, have demonstrated relevant scientific exper-
22 tise, if any person files within 30 days after the date
23 of publication of general notice a written request de-
24 tailing a substantial scientific basis for questioning

1 the sufficiency or accuracy of the available data rel-
2 evant to the determination;”.

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

7 “(D) If the Secretary, under subparagraph (C), ex-
8 tends the one-year period, any final regulation designating
9 critical habitat shall incorporate relevant information
10 gathered during the development of the appropriate recov-
11 ery plan under section 5.”.

12 (f) IDENTIFICATION OF DATA.—Section 4(b) (16
13 U.S.C. 1533(b)) is amended by adding at the end the
14 following:

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

21 **SEC. 4. RECOVERY PLANNING IMPROVEMENTS.**

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

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 upon which such species de-
20 pend, unless the Secretary finds that such a
21 plan will not promote the conservation of a spe-
22 cies.

23 “(B) The Secretary shall, consistent with
24 subparagraph (A), seek to minimize adverse so-
25 cial and economic consequences that may result
26 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 a 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 IMPL-
16 MENTING RECOVERY PLANS.—The Secretary shall
17 give priority to—

18 “(A) the development and implementation
19 of integrated, multi-species 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 whose
5 conservation is, or may be, in conflict with con-
6 struction or other development projects or other
7 forms of economic activity.

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

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 and survival of the covered species,
15 including actions to maintain or restore
16 ecosystems upon which the covered species are
17 dependent;

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 to carry out those measures needed to
24 achieve the goal of the recovery plan and to
25 achieve intermediate steps toward that goal;

1 “(D) a description of actions that will be
2 taken to minimize adverse social or economic
3 impacts that may result from implementation of
4 the recovery plan;

5 “(E) strategies that utilize existing Fed-
6 eral lands, to the extent that such lands are
7 available, to promote the conservation of the
8 covered species;

9 “(F) an identification of the measures,
10 which if taken by Federal agencies, would con-
11 tribute to the conservation of the covered spe-
12 cies;

13 “(G) an identification of the specific areas
14 or circumstances, if any, in which the develop-
15 ment and implementation of conservation plans
16 under section 10(a)(2) would contribute to the
17 conservation of the covered species;

18 “(H) an identification of the specific areas
19 of circumstances, if any, in which entering into
20 agreements with private landowners under sec-
21 tion 14 would promote the conservation of the
22 covered species; and

23 “(I) an identification of opportunities to
24 cooperate with municipalities, political subdivi-
25 sions of State, and other persons in actions

1 which would contribute to the conservation of
2 the covered species.

3 “(4) PUBLIC REVIEW AND COMMENT.—

4 “(A) The Secretary shall, prior to final ap-
5 proval of a new or revised recovery plan—

6 “(i) provide public notice and an op-
7 portunity for public review and comment
8 on the plan; and

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

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

15 “(5) PUBLIC OUTREACH.—

16 “(A) The Secretary, in developing and im-
17 plementing recovery plans, may procure the
18 services of appropriate public and private agen-
19 cies and institutions and other qualified per-
20 sons.

21 “(B) Recovery teams appointed pursuant
22 to this subsection shall not be subject to the
23 Federal Advisory Committee Act.

24 “(C) The Secretary shall in cooperation
25 with the States solicit the participation of rel-

1 evant Federal agencies and appropriate persons
2 to identify matters under paragraph (3)(E),
3 (F), (G), (H), and (I).

4 “(6) REPORTS.—The Secretary shall report
5 every two years to the Committee on Environment
6 and Public Works of the Senate and the Committee
7 on Merchant Marine and Fisheries of the House of
8 Representatives on the status of efforts to develop
9 and implement recovery plans for all species listed
10 pursuant to section 4 and on the status of all species
11 for which such plans have been developed.

12 “(b) MONITORING.—

13 “(1) IN GENERAL.—The Secretary shall imple-
14 ment a system in cooperation with the States to
15 monitor effectively for not less than 5 years the sta-
16 tus of all species which have been brought to the
17 point at which the measures provided pursuant to
18 this Act are no longer necessary and which, in ac-
19 cordance with the provisions of section 4, have been
20 removed from either of the list published under sec-
21 tion 4(c).

22 “(2) PREVENTING RISKS TO RECOVERED SPE-
23 CIES.—The Secretary shall make prompt use of the
24 authority under section 4(b)(7) to prevent a signifi-

1 cant risk to the well-being of any recovered species
2 referred to in paragraph (1).”.

3 (b) EXISTING RECOVERY PLANS.—

4 (1) CONTINUED EFFECT OF EXISTING PLANS.—

5 Each recovery plan developed under the Endangered
6 Species Act of 1973 before the date of the enact-
7 ment of this Act shall continue in effect until revised
8 by the Secretary (as that term is defined in section
9 3 of the Act) in accordance with the Act as amended
10 by this Act.

11 (2) REVISIONS.—The Secretary (as that term is
12 defined in section 3 of the Endangered Species Act
13 of 1973) may revise each recovery plan developed
14 under the Endangered Species Act of 1973 before
15 the date of the enactment of this Act so as to con-
16 form to section 5 of that Act, as amended by this
17 Act, giving priority to recovery plans whose revision
18 would provide the greatest benefit to species listed
19 under section 4 of that Act and species which the
20 Secretary has identified as candidates for listing
21 under section 4 of that Act.

22 (c) CONFORMING AMENDMENTS.—

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

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

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

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

3 (B) in subsection (h)(4) by striking “sub-
4 section (f) of this section” and inserting in lieu
5 thereof “section 5”;

6 (C) by redesignating subsection (h) as sub-
7 section (f); and

8 (D) by redesignating subsection (i) by
9 striking “(i)” and inserting the following: “(g)
10 RESPONSE TO STATE COMMENTS.—”.

11 (3) Section 6(d) (16 U.S.C. 1535(d)) is amend-
12 ed by striking “Section 4(g)” and inserting in lieu
13 thereof “Section 5(b)”.

14 (4) Section 7(a)(1) of the Land and Water
15 Conservation Fund Act of 1965 (16 U.S.C. 4601–
16 9(a)(1)) is amended by striking “Section 5(a)” and
17 inserting in lieu thereof “Section 5(c)”.

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

19 Section 6(a) (16 U.S.C. 1535(a)) is amended by add-
20 ing at the end thereof the following sentence: “In cooper-
21 ating with State agencies in carrying out this Act, the Sec-
22 retary shall not be subject to the Federal Advisory Com-
23 mittee Act.”.

1 **SEC. 6. ACTIONS ON FEDERAL LANDS TO PREVENT LISTING**
2 **OF SPECIES.**

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

5 “(1) It is further declared to be the policy of
6 Congress that all Federal departments and agencies
7 shall conserve endangered species, threatened spe-
8 cies, species which have been proposed for listing,
9 and species which the Secretary has identified as
10 candidates for listing under section 4 and shall uti-
11 lize their authorities in furtherance of this policy
12 and the purposes of this Act.”.

13 (b) FEDERAL AGENCY AGREEMENTS FOR THE CON-
14 SERVATION OF CANDIDATE SPECIES.—Section 7(a)(1)
15 (16 U.S.C. 1536(a)(1)) is amended by inserting “(A)”
16 after “(1)” and by adding the following new subpara-
17 graph:

18 “(B) The head of each Federal agency respon-
19 sible for the management of lands and waters—

20 “(i) shall, by not later than December 31,
21 1994, prepare and provide to the Secretary an
22 inventory of endangered species, threatened
23 species, species which have been proposed for
24 listing, and species which the Secretary has
25 identified as candidates for listing under section

1 4, which are located on lands and waters within
2 the jurisdiction of the agency;

3 “(ii) shall, by not later than December 31,
4 1995, identify measures to be taken on lands
5 and waters within the jurisdiction of the agency
6 to conserve species which the Secretary has
7 identified as candidates for listing under section
8 4; and

9 “(iii) may enter into agreements with the
10 Secretary to further the conservation of any
11 species which the Secretary has identified as
12 candidates for listing under section 4.”.

13 **SEC. 7. CONSULTATION ON FEDERAL ACTIONS ABROAD.**

14 Section 7(a) (16 U.S.C. 1536(a)) is amended by add-
15 ing at the end the following new paragraph:

16 “(5) Except as provided in subsection 7(j), the provi-
17 sions of this section are applicable to all Federal agencies
18 and agency actions, including extraterritorial actions and
19 actions with extraterritorial effects.”.

20 **SEC. 8. IMPROVED FEDERAL AGENCY COORDINATION.**

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

23 “(6) CONSOLIDATION OF CONSULTATIONS AND CON-
24 FERENCES.—

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

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

13 **SEC. 9. INCENTIVES FOR CONSERVATION OF CANDIDATE**
14 **AND OTHER SPECIES ON STATE AND PRIVATE**
15 **LANDS.**

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

19 “CONSERVATION PLANNING

20 “SEC. 13. (a) CONSERVATION PLANNING FOR CAN-
21 DIDATE SPECIES.—

22 “(1) DEVELOPMENT OF PLANS.—

23 “(A) Any State, county, municipality, po-
24 litical subdivision of a State, or other person,
25 may develop a plan for the conservation of any
26 species which has been proposed for listing or

1 identified by the Secretary as a candidate for
2 listing under section 4.

3 “(B) A plan prepared under subparagraph
4 (A) shall cover an area that, alone or when con-
5 sidered in association with nearby lands dedi-
6 cated to conservation, is sufficiently large in
7 size to encompass adequate suitable habitat
8 within which the covered species can be main-
9 tained over the long-term.

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

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

1 “(A) review the terms and implementation
2 of each permit issued under paragraph (3) for
3 that species;

4 “(B) determine whether each of those per-
5 mittees has complied with the terms of their
6 permit; and

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

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

13 “(1) ESTABLISHMENT OF HABITAT CONSERVA-
14 TION PLANNING FUND.—The Secretary shall estab-
15 lish a Habitat Conservation Planning Fund (herein-
16 after referred to in this subsection as ‘Fund’) which
17 shall—

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

20 “(B) be administered by the Secretary as
21 a revolving fund.

22 “(2) AUTHORITY TO MAKE GRANTS OR AD-
23 VANCES FROM THE FUND.—The Secretary is author-
24 ized to make a grant or interest-free advance from
25 the Fund to any State, county, municipality, or po-

1 litical subdivision of any State to assist in the devel-
2 opment of a plan under this section or section
3 10(a)(2). A grant or advance under this paragraph
4 may not exceed the total financial contribution of
5 the other parties participating in development of the
6 plan.

7 “(3) CRITERIA FOR GRANTS AND ADVANCES
8 FROM THE FUND.—In making grants or advances
9 from the fund, the Secretary shall consider the num-
10 ber of species for which the plan is to be developed,
11 the commitment to participate in the planning proc-
12 ess from a diversity of interests (including local gov-
13 ernmental, business, environmental, and landowner
14 interests), the likelihood of success of the planning
15 effort, and other factors as the Secretary deems ap-
16 propriate.

17 “(4) REPAYMENT OF ADVANCES FROM THE
18 FUND.—

19 “(A) Except as provided in subparagraph
20 (B), sums advanced from the Fund shall be re-
21 paid within 10 years after the date of the ad-
22 vance.

23 “(B) Sums advanced under this subsection
24 for development of a plan shall be repaid within
25 4 years after the date of the advance if—

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

3 “(ii) in the case of an advance for the
4 development of a plan under section
5 10(a)(2), no permit is issued under section
6 10(a)(1)(B) based on the plan within three
7 years after the date of the advance.

8 “(C) Sums received by the United States
9 as repayment of advances from the Fund shall
10 be credited to the Fund and available for fur-
11 ther advances in accordance with this sub-
12 section without further appropriation.”.

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

“Sec. 13. Conservation planning.”.

16 (c) MITIGATION.—Section 10(a)(2)(A)(ii) (16 U.S.C.
17 1539(a)(2)(A)(ii) is amended to read as follows:

18 “(ii) what measures, such as conservation
19 easements, land acquisition, regulatory controls,
20 exotic species controls, and active habitat man-
21 agement, the applicant will take to minimize
22 and mitigate those impacts and the funding
23 that will be available to implement those meas-
24 ures;”.

1 **SEC. 10. FEDERAL ASSISTANCE TO HELP PRIVATE LAND-**
2 **OWNERS 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 may, in cooperation with the State agency in each
11 appropriate State and subject to the availability of appro-
12 priations under section 15(e), enter into an agreement
13 with any person who is a private landowner, under
14 which—

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

18 “(A) the conservation of an endangered
19 species or a threatened species pursuant to a
20 recovery plan; or

21 “(B) the conservation of a species which
22 the Secretary has identified to be a candidate
23 for listing under section 4;

24 “(2) the Secretary agrees to pay to the person
25 such amount as may be agreed by the person and
26 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 subparagraph 10(a)(2)(B);

7 “(2) a condition of any other permit issued
8 under this 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 the agreements entered into under this
14 section are carried out.

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

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

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

22 (c) REPORT ON INCENTIVES FOR CONSERVATION OF
23 SPECIES.—Within 12 months after the date of enactment
24 of this Act, the Secretary, in consultation with the Sec-

1 retary of the Treasury, shall submit to the Senate Com-
2 mittee on Environment and Public Works and the House
3 Committee on Merchant Marine and Fisheries a report
4 containing—

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

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

19 (3) a compilation and analysis of Federal statu-
20 tory and regulatory mechanisms, including expendi-
21 tures and financial assistance, which have the effect
22 of discouraging the conservation of endangered spe-
23 cies, threatened species, or species which the Sec-
24 retary has identified to be a candidate for listing
25 under section 4 of the Endangered Species Act; and

1 “(i) convening a conference of the parties
2 and appropriate technical meetings on coopera-
3 tive bilateral and multilateral actions to imple-
4 ment the Western Convention, and

5 “(ii) establishing and supporting a Perma-
6 nent Office of Western Convention;”;

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

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

11 (5) by adding at the end of paragraph (2) the
12 following:

13 “(F) implementation of cooperative measures to
14 conserve sensitive and threatened habitats and
15 ecosystems.”; and

16 (6) in paragraph (3) by striking “1985,” and
17 inserting in lieu thereof “1995, and every three
18 years thereafter,”.

19 (b) REGULATIONS TO IMPLEMENT CONVENTION ON
20 INTERNATIONAL TRADE IN ENDANGERED SPECIES OF
21 WILD FAUNA AND FLORA.—Section 11(f) (16 U.S.C.
22 1540(f)) is amended in the first sentence by striking “en-
23 force this Act,” and inserting “enforce this Act and to
24 carry out the Convention and resolutions adopted under
25 the Convention by the parties to the Convention,”.

1 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

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

4 “AUTHORIZATION OF APPROPRIATIONS

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

9 “(1) to the Secretary of the Interior for carry-
10 ing out functions of the Secretary of the Interior
11 under this Act \$110,000,000 for fiscal year 1994,
12 \$120,000,000 for fiscal year 1995, \$130,000,000 for
13 fiscal year 1996, \$140,000,000 for fiscal year 1997,
14 \$150,000,000 for fiscal year 1998, and
15 \$160,000,000 for fiscal year 1999;

16 “(2) to the Secretary of Commerce for carrying
17 out functions of the Secretary of Commerce under
18 this Act \$15,000,000 for fiscal year 1994,
19 \$20,000,000 for fiscal year 1995, \$25,000,000 for
20 fiscal year 1996, \$30,000,000 for fiscal year 1997,
21 \$35,000,000 for fiscal year 1998, and \$40,000,000
22 for fiscal year 1999; and

23 “(3) to the Secretary of Agriculture for carry-
24 ing out functions of the Secretary of Agriculture
25 under this Act \$4,000,000 for each of fiscal years
26 1994 through 1999.

1 “(b) EXEMPTIONS FROM ACT.—There are authorized
2 to be appropriated to the Secretary of the Interior for car-
3 rying out functions of the Secretary of the Interior and
4 the Endangered Species Committee under section 7(e),
5 (g), and (h) \$625,000 for each of fiscal years 1994
6 through 1999.

7 “(c) CONVENTION IMPLEMENTATION.—There are au-
8 thorized to be appropriated to the Secretary of the Interior
9 for carrying out section 8A(e) \$1,000,000 for each of fis-
10 cal years 1994 through 1999; such sums shall remain
11 available until expended.

12 “(d) HABITAT CONSERVATION PLANNING FUND.—
13 To assist in the development of plans under sections
14 10(a)(2) and 13, there are authorized to be appropriated
15 to the Secretary of the Interior \$20,000,000, which shall
16 be deposited into the Habitat Conservation Planning Fund
17 established under section 13(b) and which shall remain
18 available until expended.

19 “(e) PRIVATE ASSISTANCE.—There are authorized to
20 be appropriated to the Secretary of the Interior for carry-
21 ing out section 14 \$25,000,000 for each of fiscal years
22 1994 through 1999.

23 “(f) AVAILABILITY.—Amounts appropriated under
24 the authority of this section shall remain available until
25 expended.”.



S 921 IS—2