

107TH CONGRESS  
2D SESSION

# S. 2604

To amend the Endangered Species Act of 1973 to require the Federal Government to assume all costs relating to implementation of and compliance with that Act.

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## IN THE SENATE OF THE UNITED STATES

JUNE 10, 2002

Mr. ENZI introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Endangered Species Act of 1973 to require the Federal Government to assume all costs relating to implementation of and compliance with that Act.

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       Funding Act”.

6       **SEC. 2. ENDANGERED SPECIES FUNDING.**

7       (a) ALLOCATION OF FUNDS.—

8               (1) IN GENERAL.—Section 6 of the Endangered  
9       Species Act of 1973 (16 U.S.C. 1535) is amended—

1 (A) by striking subsections (d) and (i);

2 (B) by redesignating subsections (e)  
3 through (h) as subsections (d) through (g), re-  
4 spectively; and

5 (C) by adding at the end the following:

6 “(h) FUNDING.—The Secretary shall deposit in the  
7 fund in the Treasury known as the ‘cooperative endan-  
8 gered species conservation fund’ such amounts as are nec-  
9 essary to carry out this section.”.

10 (2) CONFORMING AMENDMENTS.—Section 11 of  
11 the Endangered Species Act of 1973 (16 U.S.C.  
12 1540) is amended—

13 (A) in the fourth sentence of subsection  
14 (d), by striking “6(i) of this Act” and inserting  
15 “6(h)”; and

16 (B) in paragraphs (1)(B) and (2)(B)(ii) of  
17 subsection (g), by striking “6(g)(2)(B)(ii) of  
18 this Act” each place it appears and inserting  
19 “6(f)(2)(B)(ii)”.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—The En-  
21 dangered Species Act of 1973 is amended by striking sec-  
22 tions 14 and 15 (87 Stat. 903, 16 U.S.C. 1542) and in-  
23 serting the following:

24 **“SEC. 14. COSTS OF IMPLEMENTATION AND COMPLIANCE.**

25 **“(a) DEFINITION OF EXPENDITURE.—**

1           “(1) IN GENERAL.—In this section, the term  
 2           ‘expenditure’ means any cost imposed on or incurred  
 3           by a person in implementing or complying with this  
 4           Act.

5           “(2) INCLUSIONS.—In this section, the term  
 6           ‘expenditure’ includes—

7                   “(A) costs relating to—

8                           “(i) the establishment of a State man-  
 9                           agement plan;

10                           “(ii) monitoring;

11                           “(iii) consultation and administration;

12                           “(iv) the conduct of a species survey;

13                           “(v) the implementation of a con-  
 14                           servation agreement or activity;

15                           “(vi) the acquisition of land for a con-  
 16                           servation purpose; or

17                           “(vii) the implementation by a person  
 18                           of a cooperative agreement with a State or  
 19                           State agency relating to a species covered  
 20                           by this Act;

21                           “(B) financial losses to a person by preda-  
 22                           tion from a species covered by this Act;

23                           “(C) losses in value of real or personal  
 24                           property owned by a person as a result of im-

1           plementation of or compliance with this Act;  
2           and

3                   “(D) any cost imposed in mitigation relat-  
4           ing to the management of a species covered by  
5           this Act.

6           “(b) COSTS.—Notwithstanding any other provision of  
7   law, for fiscal year 2003 and each subsequent fiscal year,  
8   the Federal Government shall assume the cost of all ex-  
9   penditures.

10   **“SEC. 15. AUTHORIZATION OF APPROPRIATIONS.**

11           ““There are authorized to be appropriated such sums  
12   as are necessary to carry out this Act.”.

13           (c) TABLE OF CONTENTS.—The table of contents in  
14   the first section of the Endangered Species Act of 1973  
15   (16 U.S.C. prec. 1531) is amended by striking the items  
16   relating to sections 14 and 15 and inserting the following:

“Sec. 14. Costs of implementation and compliance.

“Sec. 15. Authorization of appropriations.”.

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