

join today and in the future—as will our broader strategy of integration. Above all, it means you will always be able to rely on us and we will always be able to rely on you. If there is a threat to the peace and security of this country, we will be bound by a solemn commitment to defeat it together. For this reason, we can be confident such a threat is far less likely to arise.

It means security in Europe will not stop at its Cold War dividing lines. It means Europe's new democracies will not be consigned to a buffer zone of excluded states. It means you will be the authors of your history, the masters of your destiny, the vassals and victims of no one.

But, my friends, this is more than a moment of celebration. For NATO's old and new allies alike, it is also a moment of challenge.

Our most immediate challenge is to ensure together that the people and parliaments of NATO's 16 member nations embrace the enlargement of our alliance. In America, the debate will be vigorous. Because we take our commitments seriously, we do not extend them lightly.

I believe that our Senate will approve this initiative, but the burden of proof will still rest with those of us who believe that NATO enlargement serves American interests. The Senators will ask us many appropriate questions about risks and costs. They will remind you, as do I, that with a first class ticket to NATO comes the obligation to make a first class contribution.

Regrettably, you will also hear echoes of Munich in this debate. Already, people have trotted out the tired myth that in times of crisis we will make no sacrifice to defend a distant city with an unpronounceable name; that we will protect the freedom of Barcelona but not Brno, Stuttgart but not Szczecin.

I challenge those critics; come meet your future allies. Speak with their people. Their names may sound unfamiliar, but they speak the same language of freedom. Visit the veterans in this region who fought for the allied cause in World War II. Talk to the veterans of the dissident movements. They have spent a lifetime sacrificing for the ideals we have in common. Look them in the eye. Ask them why we should be allied with Europe's old democracies forever, but its new democracies never.

You might listen to President Havel, as well. "If we appeal to the West not to close itself off to us," he has said, "this is not only because we are concerned about our own security and stability. We are concerned about the destiny of the values and principles that communism denied, and in whose name we resisted communism and ultimately brought it down."

Defending values, righting history's wrongs—these are idealistic arguments. Oddly, some are troubled by that. They want NATO to remain its military muscle, but they are suspicious of enlargement because it also appeals to our hearts. Others, who champion freedom in central Europe and Russia, are suspicious of enlargement precisely because NATO is an organization with tanks and bombers. But there is no contradiction here between realism and idealism, between pragmatism and principle, between security and justice.

Those of us who knew Prague before the Cold War know that freedom without security is a frail reed. And those in America who most ardently prosecuted the Cold War should be the first to admit that it was not merely a military enterprise, but an idealistic one as well.

You know that NATO enlargement fulfills a moral and strategic challenge. By turning a Europe of shared values into a Europe of shared responsibilities, you know we can do both.

Because we are old friends, let me speak plainly. NATO is welcoming new members because we know you are ready to make an even deeper commitment to the common endeavors of our alliance of democracies—from the pursuit of peace in troubled regions, to the flight against terror and crime, to our support for those who still struggle for the freedom you enjoy.

For example, the SFOR mission in Bosnia will come to an end in one year. But the United States has made a long-term commitment to support peace in that country and given what you have already done in Bosnia, I trust you will, too. I trust you will also be leaders in the effort to keep deadly weapons from dangerous rogue states, even if it means losing a sale from time to time. And I trust you will pay the costs and do what is necessary to assure the full integration of the Czech armed forces into NATO.

It is your willingness to assume great responsibilities that has brought you to this point. You are about to join NATO. You are already a member of the OECD. No doubt, you will join the EU as well. Our memory of the last 50 years makes it hard to believe, but as you enter these institutions, you will stand among the most prosperous and powerful nations in the world.

You are no longer on the outside looking in; you are on the inside looking forward.

For 50 years, you looked to the free world for support, understanding, and recognition. Now you are the free world; other nations will look to you for support.

Part of our new responsibility to others is to ensure that the door to NATO remains open to all European democracies that are willing and able to meet the obligations of membership.

That is the policy NATO adopted in Madrid. We count on you to support that policy in word and in deed. It is also a personal commitment President Clinton has made to all the nations that lie between the Baltic and Black Seas. And it is our message today to the people of Slovakia. For it is our sincere hope that their nation will rejoin the path of true democratic reform and make itself a strong candidate for the second round of NATO enlargement.

To all the nations that still aspire to join NATO, I say: consider why we have invited the Czech Republic. It is not because the Czechs are somehow more "European" than the Orthodox and Muslim peoples to the south and east; we have no patience for that kind of thinking. It is not because Prague is west of Vienna. It is not just because of your pre-war democratic tradition.

Rather, the Czech Republic's invitation to NATO was inscribed by its deeds over the last seven years. Others will soon be ready to follow your lead, and you must join us in helping them.

You know that the effort to join NATO is not a race to escape a bad neighborhood. It is an effort to improve the neighborhood for the benefit of all.

This is why I appreciate the Czech Republic's support for the NATO-Russia Founding Act and your recognition that a democratic Russia must be part of a Europe whole and free. As President Havel has said, "in this era, we—as nations—cannot divide ourselves according to who were the victors and who the vanquished in the past."

After my trip to Europe this week, I am more confident than ever that together, we can meet his challenge and more. In Madrid, I saw NATO's strength as its leaders made a decision that was difficult but right. With President Clinton in Warsaw, I saw that our new allies are not just ready but eager to add their energy to ours. In Bucharest, I watched the President address 100,000 people at University Square—and even though their coun-

try will not be among the first group of new allies, they showed us that they support NATO's enlargement and that they will do what it takes to be part of a new Europe. I heard the same message in Ljubljana and in Vilnius. And in St. Petersburg, I saw a Russia that is moving ahead with reform and moving closer to the rest of Europe.

Today, I can foresee a Europe where every nation is free and every free nation is our partner. Not long ago, that was a future we might have imagined, but in the darkest moments perhaps thought would never come. And that brings me back to the earlier part of my remarks—and of my life.

Fifty years ago, Jan Masaryk was told by Stalin in Moscow that Czechoslovakia must not participate in the Marshall Plan despite its national interest in doing so. Upon his return to Prague, Masaryk told my father, his chef de cabinet, and it was then he understood that he was employed by a government no longer sovereign in its own land.

Soon after, the communists took over in Prague. That coup drove my parents and me from this country for the second time. And more than any other single event, that coup awakened America and western Europe to the need for an Atlantic Alliance. Thus, the event that cast my family out of Prague, and you into darkness, also helped to create the Alliance that has brought me back again, and put you in the center of a new Europe.

Today, there is no Stalin to give orders to you or to anyone. The opportunity to be part of the international system is open to all. The goal of integration is not bound by strategic realities or confined by cultural arrogance to western Europe, to central Europe or even to Europe.

Today, the west has no fixed eastern frontiers. Every democratic nation that seeks to participate in the global system we are constructing and that is willing to do all it can to help itself will have America's help in finding the right path. Now they will have your help and your example as well.

People of Prague, people of the Czech Republic: Half a century ago, our journeys diverged. But this week's events have brought our paths together again. Now we are reunited in a common cause. Soon we will be joined in a common alliance. And we will never be parted again.

You were the passion of my parents. You are the land of my birth. And now you and I, my nation and yours, will build and defend a new Europe together. God bless you.

## INTRODUCTION OF THE ENDANGERED SPECIES RECOVERY ACT

**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 31, 1997*

Mr. MILLER of California. Mr. Speaker, today I and 52 of my colleagues are introducing the Endangered Species Recovery Act of 1997, legislation which we believe will make this law work—both for species and for landowners.

Why this bill and why now? The efforts of the last 3 years to either gut or reform the ESA, depending on your perspective, have proven three things: that the law in its current form is allowing many species to fall through the cracks; that something must be done to provide some relief to landowners; and that, in spite of its problems, the ESA still has tremendous support among the American people.

Last year, we reported a bill out of the Resources Committee that was so bad that

GINGRICH refused to bring it to the floor. This year, the same group who supported that legislation tried again with a rider to the flood supplemental that would have effectively waived all ESA requirements for any water project anytime, anywhere. And again, they failed. The Senate's been trying to come up with a deal for a year and a half—and yesterday they announced that they still hadn't been able to do so.

What we've tried to do with this bill is get out of the black box and think in new ways, and I believe we've put some really interesting, workable new solutions on the table. We've provided serious incentives, other concessions for landowners while actually strengthening some of the basic protection provisions. Is this bill going to be enacted, word for word? Of course not. But it's a great place from which to begin seriously talking about ESA reauthorization in this Congress.

Endangered species have been used as a whipping post for the left and the right, to no one's advantage. My hope is that we have learned our lessons, that we recognize that landowners and businesses have legitimate concerns that must be addressed, and that the ESA is a law that is invaluable to our country and its future.

That said, what does this bill do to improve our species protection efforts? The single most important change this bill would make to existing law is to ensure that all our actions under the ESA—Federal actions or the actions of private landowners—do not undermine the recovery of a species. Recovery and delisting should be the standard we use for permitting incidental takes, approving habitat conservation plans, and allowing Federal actions to go forward.

Everyone on both sides of the ESA debate complains that we don't do enough to get species off the list. They're right—we hold both species and landowners in limbo. The bill passed by the Resources Committee last year would have attempted to resolve that problem by changing the most basic tenet of the act, and allowing the Secretary to choose not to recover species, to simply allow them to retain their endangered or threatened status indefinitely. Who benefits from that approach? All that means is that landowners have to live with ESA regulations on many species forever. There's no planning certainty, all development comes to a halt—that's insanity.

Let me give you an example of how important it is to hold our actions up to a standard that means permitted actions can't undermine recovery. When the Alabama beach mouse was listed as endangered in 1985, fewer than 900 individuals occupied less than 350 acres of habitat. Today, scientists estimate a population low of 45 animals. This species plays an important role in the beach dune ecosystem of the Gulf of Mexico by dispersing the seeds of the sea oat—its principal food source—which, in turn, forms the basis for the formation of dunes and protects them from erosion. The dunes protect inland housing from coastal flooding and hurricanes.

The recovery plan for the beach mouse calls for maintenance and improvement of all remaining beach mouse habitat. Four habitat conservation plans [HCPs] have been issued since then, authorizing permanent destruction of about 10 percent of the remaining habitat.

Two new permits for large condominium complexes in the fragile dune ecosystem are now being challenged by local citizens. These developments would destroy permanently another 44.5 acres of beach mouse habitat. Neither the construction nor the mitigation is consistent with the recovery strategy to improve all existing habitat—yet these permits were issued by the same agency that approved the beach mouse recovery plan.

This bill would address the problems of the Alabama beach mouse by making it clear that permits for incidental takes of listed species cannot undermine the recovery of that species, and thus delay efforts to delist the species. Any activity—clearcutting, damming, housing development—must be judged by whether it moves species closer to recovery. Current law requires that actions be judged by whether they move species closer to extinction, a measure that fails to move species off of the national list.

At the same time, establishing a clear recovery standard, backed up by agency recovery plans with biological goals, provides certainty for landowners in terms of permit requirements and mitigation actions.

What would we do for the landowners who feel so besieged by this law? The current law fails to give businesses and landowners the certainty they need in the economic development process, so that the first problem we tackled. We've streamlined the permitting process, clarified the requirements of the law, and provided tax incentives and liability limits to the private sector.

Developers and other business interests, as well as counties and local governments, need certainty more than anything else so they can move ahead with their planning efforts. We've combined that need with a recommendation by scientists that regional, multiple land owner, ecosystem-wide conservation plans do the most to save species to allow a one stop shop for incidental take permits when landowners and regional governments come together to develop a regional habitat conservation plan. This provision is built after the San Diego NCCP model. If the county gets the permit from the Fish and Wildlife service, local landowners can go to the county for their own permits as long as they're in compliance with the county's plan. That eliminates the need for each landowner to make sure he's OK with the county plan, then go back to the Feds for an ESA permit.

We would also streamline interagency consultations, some of which can hold landowners actions up for months, by allowing Federal agencies to consolidate their consultations. For a number of similar or related agency actions within a particular geographical range or ecosystem, the Federal agency may request one consolidated consultation. In the case of the levee repairs that caused so much concern in the California floods of this year, the Army Corps of Engineers could request that all levee repairs in the same area be consolidated under one consultation, decreasing delay and expense. This also may benefit endangered species by allowing the agency to consider cumulative impacts. In addition, by conducting these consolidated consultations well before and emergency strikes, the Corps of Engineers or a local water district can formulate an emergency plan of action.

What about some financial assurances? This bill would guarantee that permit holders—whether a county or an individual, business or small landowner, will not incur unforeseen mitigation costs if they file a performance bond to cover the cost of reasonably foreseeable mitigation measures necessary to protect species. This provision not only protects landowners by capping their liability but it also protects taxpayers from having to pay for negligence by other parties.

As part of the specific requirements of an HCP, landowners, working with FWS, will determine the reasonably anticipated costs of the mitigation measures they are required to undertake as a condition of receiving an incidental take. Those reasonably anticipated costs will be used to determine the amount of the performance bond.

The landowner's economic liability is effectively capped by this provision. Landowners will know the cost of the mitigation up front, and will be able to proceed with their project. More importantly, in return for the performance bond requirement, landowners receive an assurance that the financial burden of any additional mitigation required by unforeseen circumstances will be borne by the Federal Government.

For smaller landowners who may have difficulty obtaining a performance bond, we allow the use of certificates of deposit, letters of credit, or other financial securities to fulfill this provision. In addition, for large habitat conservation plans that may have formidable mitigation costs, we allow the use of phased bonds. Using these, a landowner can obtain a bond for the portion of a project currently underway. The legislation also authorizes the use of adjusted bonds, by which a landowner can request to have a portion of the bond released after that portion of the project is completed.

To encourage the development of regional, multiple landowner plans, the bill authorizes a county or other local government authority to obtain the incidental take permit and the bond. Landowners under that regional plan would not then be required to get individual bonds. Landowners wishing to work together without a government authority can pool their bonds.

Finally, there's tax relief. If landowners are willing to enter into endangered species conservation agreements that go beyond what's already required by law, they can qualify for a deferral on estate taxes, a Federal deduction equal to 25 percent of the deduction allowed for State and local property taxes, and a credit for the costs of complying with the agreement.

In addition, land donated to a habitat conservation land—by which you would be giving up all use of the land—would qualify as a charitable deduction.

In the coming months, I intend to pursue additional ways in which we can offer tax relief to businesses and landowners who want to conserve species on their lands. I believe that most landowners want to preserve species, and that with a little creative effort we can find a number of ways to provide economic relief without undermining our efforts to recover and delist species.