

with medical equipment purchased on the black market. There, Emilie Schindler looked after the sick and wounded.

(6) Even though Oskar Schindler had a large mansion placed at his disposal close to the factory, he spent every night in his office so that he could intervene should the Gestapo pay a visit. He was detained by the Gestapo twice, but used his connections to get released.

(7) With his own life at stake, Schindler employed all his powers of persuasion. He bribed, fought, and begged to save Jewish men, women, and children from the gas chambers.

(8) Oskar Schindler saved the lives of 1,200 Jews from deportation to Nazi death camps.

(9) On April 28, 1962, Oskar Schindler was named a "Righteous Gentile" by Yad Vashem.

(10) Varian Fry, together with a small group of unlikely associates, succeeded in assisting nearly 2,000 artists, musicians, writers, scholars, politicians, labor leaders, and their families to leave hostile territories in France, either legally or illegally. This effort came to be called the "Emergency Rescue Committee".

(11) Varian Fry offered aid and advice to Jews and antifascist refugees who found themselves threatened with extradition to Nazi Germany under Article 19 of the Franco-German Armistice—the "Surrender on Demand clause".

(12) Though risking his personal security in the face of both Gestapo and Vichy officials, Fry did what was necessary to save as many of the refugees as possible.

(13) Varian Fry aided in the rescue of nearly 2,000 individuals, including artists Marc Chagall, Andre Breton, and Max Ernst.

(14) The United States Holocaust Memorial Council awarded Varian Fry its highest honor, the Eisenhower Liberation Medal in 1991.

(15) In 1996, Yad Vashem posthumously honored Fry as the first American "Righteous Among the Nations", and the French government awarded him the Croix de Chevalier de la Legion d'Honneur.

(16) The actions of Oskar Schindler and Varian Fry serve as testimony to all people that even under the worst of circumstances, the most ordinary of us can act courageously.

(17) Oskar Schindler and Varian Fry are true heroes and humanitarians, deserving of honor by the United States Government.

## SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized—

(1) to award to Oskar Schindler, posthumously, on behalf of Congress, a gold medal of appropriate design honoring Oskar Schindler in recognition of his contributions to the Nation; and

(2) to award to Varian Fry, posthumously, on behalf of Congress, a gold medal of appropriate design honoring Varian Fry in recognition of his contributions to the Nation.

(b) DESIGN AND STRIKING.—For purposes of the awards referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike gold medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

## SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze, of the gold medals struck pursuant to section 2, under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medals.

## SEC. 4. STATUS AS NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

## SEC. 5. FUNDING.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed \$30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

Mr. LAUTENBERG (for himself, Mrs. BOXER, Mr. KENNEDY, Mr. WELLSTONE, Mr. DODD, Mr. MOYNIHAN, Mr. SCHUMER, Mr. KERRY, Mr. TORRICELLI, Mr. LEAHY, and Mr. REID):

S. 3156. A bill to amend the Endangered Species Act of 1973 to ensure the recovery of the declining biological diversity of the United States, to reaffirm and strengthen the commitment of the United States to protect wildlife, to safeguard the economic and ecological future of children of the United States, and to provide certainty to local governments, communities, and individuals in their planning and economic development efforts; to the Committee on Environment and Public Works.

### ENDANGERED SPECIES RECOVERY ACT

Mr. LAUTENBERG. Mr. President, I rise to introduce the Endangered Species Recovery Act. The bill will update the original Endangered Species Act, provide tax and other incentives for landowners, and help increase the number of species that are recovered and taken off the protected list. The bill has been endorsed by the 380 conservation, religious, and scientific organizations that belong to the Endangered Species Coalition.

Public support for strong endangered species protection is high. Also, a majority of the nation's biologists are convinced that a mass extinction of plants and animals is underway. Some believe this loss of biological diversity will pose a major threat to humans in the coming century. At least one in 8 known plant species (which provide medical, commercial, and agricultural benefits) is threatened with extinction.

The bill I introduce today includes provisions that will help both landowners and the species themselves.

The bill incorporates tax proposals endorsed by both property-rights and conservation organizations. The bill establishes a tax exclusion for cost-sharing payments under the Partners for Fish and Wildlife Program, an enhanced deduction for the donation of a conservation easement, an exclusion from the estate tax for property subject to an Endangered Species Conservation Agreement, and an expansion of the estate tax exclusion for property subject to a conservation easement.

The bill significantly revises the Administration's current "No Surprises" policy, which allows private land-

owners to alter or destroy endangered species habitat under a long-term unmodifiable permit. The bill requires the best available science, invites more public participation, and requires adaptive management for development permit. The developer files a performance bond to cover the costs of all reasonably foreseeable circumstances (such as wildfires, plant diseases, and other natural events that can have devastating impacts on weakened populations of wildlife). Then a Habitat Conservation Plan Trust Fund is established to cover all other unforeseeable costs—a safety net for landowners and species—while allowing changes to the permit when needed to protect species.

The bill also encourages ecosystem planning on a regional basis, through multi-species, multi-landowner plans, which is essential since ecosystems do not run along political boundaries. The bill encourages cooperation between various levels of government and different jurisdictions, by allowing groups of private landowners to pool resources, and allowing local governments to administer habitat plans. The bill streamlines the permit process and establishes an Office of Technical Assistance. The bill also allows small landowners that have a minimal impact on endangered species to benefit from a quick and easy permit process and to receive planning assurances.

The bill clarifies the standards for approving federal actions that may impact endangered or threatened species. Under the existing law, pesticide application, river damming, forest clearcutting, and other habitat destruction are judged by their impact on the survival of imperiled wildlife. The bill requires that taxpayer-funded activities must not reduce the likelihood of recovery. In addition, the bill improves the chances for recovery by identifying specific management actions and biological criteria in recovery plans, placing deadlines on final recovery plans, and encouraging federal agencies to take preventative measures before a species becomes endangered.

The bill implements recommendations from the National Academy of Sciences on improving the scientific basis of important endangered species decisions. For unprotected species that means providing protection before population numbers are too low to recover. For listed species that means using independent scientists to peer review large-scale, multi-species habitat conservation plans. It also means asking biologists to set benchmarks and science-based conservation goals to better tell us what it will take to recover and eventually delist an imperiled species.

While federal actions already undergo review to ensure minimal impacts on endangered species, the bill requires that federal agencies also make efforts towards further recovery or to consider the cumulative impacts of their actions. The bill requires federal agencies to help plan for species recovery and

then implement those plans within their jurisdictions. The bill also requires agencies to consider the impacts of their actions on imperiled species in other nations.

The bill expands public participation by requiring public notification when a federal activity may impact wildlife in a community. The bill also requires public participation in large-scale regional habitat planning. Local citizens may participate in the first steps of regional habitat planning, review relevant science, and work with developers to achieve the best possible plans. If those plans are not met, the bill allows citizens to require the government to take action.

The Endangered Species Recovery Act will protect the species and landowners alike. I urge my colleagues to support it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3156

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES TO ENDANGERED SPECIES ACT OF 1973.**

(a) **SHORT TITLE.**—This Act may be cited as the “Endangered Species Recovery Act of 2000”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; references to Endangered Species Act of 1973.

Sec. 2. Findings.

**TITLE I—ENDANGERED SPECIES RECOVERY**

Sec. 101. Definitions.

Sec. 102. Designation of interim and critical habitat.

Sec. 103. Schedule for listing determinations.

Sec. 104. Contents of listing petitions.

Sec. 105. Recovery planning.

Sec. 106. Endangered species conservation agreements.

Sec. 107. Interagency cooperation.

Sec. 108. Permits and conservation plans.

Sec. 109. Citizen suits.

Sec. 110. Natural resource damage liability.

Sec. 111. Authorization of appropriations.

**TITLE II—SPECIES CONSERVATION TAX INCENTIVES**

Sec. 201. Tax exclusion for cost-sharing payments under Partners for Fish and Wildlife Program.

Sec. 202. Enhanced deduction for the donation of a conservation easement.

Sec. 203. Exclusion from estate tax for real property subject to endangered species conservation agreement.

Sec. 204. Expansion of estate tax exclusion for real property subject to qualified conservation easement.

(c) **REFERENCES TO ENDANGERED SPECIES ACT OF 1973.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be con-

sidered to be made to a section or other provision of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

**SEC. 2. FINDINGS.**

Congress finds that—

(1) the American public recognizes the importance of protecting the natural environmental legacy of the United States;

(2) it is only through the protection of all species of plants and animals and the ecosystems on which the species depend that the people of the United States will conserve a world for our children with the spiritual, medicinal, agricultural, and economic benefits that plants and animals offer;

(3) we have a moral responsibility not to drive other species to extinction;

(4) we are rapidly proceeding in a manner that will deny to future generations a world of abundant, varied species;

(5) although the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) has prevented the extinction of many animal, plant, and fish species, many of those species have not fully recovered and that Act must ensure their long-term survival and recovery;

(6) Federal agencies and other persons should act to protect declining species before they need the full application of the Endangered Species Act of 1973;

(7) all members of the public have a right to be involved in the decisions made to protect biodiversity;

(8) to avoid extinction in the wild, habitats must be conserved by using the best available science;

(9) only by taking actions that implement the recovery goals of the Endangered Species Act of 1973 can we ensure that species will eventually be removed from the lists of endangered species and threatened species; and

(10) we can provide certainty for communities, local governments, and private landowners that will enable them to move forward with planning and economic development efforts while still protecting species.

**TITLE I—ENDANGERED SPECIES RECOVERY**

**SEC. 101. DEFINITIONS.**

Section 3 (16 U.S.C. 1532) is amended—

(1) by redesignating paragraphs (2) through (5), (6) through (9), (10), (12) through (14), and (15) through (21) as paragraphs (3) through (6), (9) through (12), (14), (20) through (22), and (24) through (30), respectively;

(2) by inserting after paragraph (1) the following:

“(2) **CANDIDATE SPECIES.**—The term ‘candidate species’ means any species—

“(A) that is not the subject of a proposed regulation under section 4(a)(1);

“(B) that the Secretary is considering for listing as an endangered species or threatened species; and

“(C) for which the Secretary has—

“(i) sufficient information to support a proposed regulation for that listing; or

“(ii) information indicating that proposing that listing may be appropriate, but for which further information is required to support such a proposed regulation.”;

(3) by striking paragraph (6) (as so redesignated) and inserting the following:

“(6) **CRITICAL HABITAT.**—The term ‘critical habitat’ for an endangered species or threatened species or includes—

“(A) the specific areas within the geographic area occupied by the species, at the time the species is listed in accordance with section 4, on which are found physical or biological features that—

“(i) are essential to the conservation of the species; and

“(ii) may require special management considerations or protections; and

“(B) specific areas outside the geographical area occupied by the species, at

the time the species is listed in accordance with section 4, on a determination by the Secretary that the areas are essential for the conservation of the species.”;

(4) by inserting after paragraph (6) (as so redesignated) the following:

“(7) **CUMULATIVE IMPACTS.**—The term ‘cumulative impacts’ means the direct impacts and indirect impacts on a species or its habitat that result from the incremental impact of a proposed action when added to other past, present, and reasonably foreseeable future actions, regardless of which person undertakes such other actions.

“(8) **DIRECT IMPACTS.**—The term ‘direct impacts’ means impacts that are caused by a proposed action and that occur at the same time and place as the proposed action.”;

(5) by inserting after paragraph (12) (as so redesignated) the following:

“(13) **IMPACTS.**—The term ‘impacts’ includes—

“(A) loss of individual members of a species;

“(B) diminishment of the habitat of the species, both qualitatively and quantitatively;

“(C) disruption of normal behavioral patterns, such as breeding, feeding, and sheltering; and

“(D) impairment of the ability of the species to withstand random fluctuations in environmental conditions.”;

(6) by inserting after paragraph (14) (as so redesignated) the following:

“(15) **INDIRECT IMPACTS.**—The term ‘indirect impacts’ means impacts that are caused by a proposed action and that occur later in time than, or farther removed in distance from, the proposed action, but that are still reasonably foreseeable.

“(16) **INTERIM HABITAT.**—The term ‘interim habitat’ includes the habitat necessary to support current populations of a species or populations that are necessary to ensure survival, whichever is larger.

“(17) **JEOPARDIZE THE CONTINUED EXISTENCE OF.**—The term ‘jeopardize the continued existence of’ means to engage in an action that reasonably would be expected, directly, indirectly, or cumulatively, to reduce appreciably the likelihood of recovery in the wild of any foreign or domestic species included in a list published under section 4(c).

“(18) **MINIMIZE.**—The term ‘minimize’ means—

“(A) subject to subparagraph (B), to avoid to the extent possible, in designing and engaging in an activity, adverse impacts to an endangered species or threatened species or in the course of the activity; and

“(B) in the case of an activity for which it is determined, after consideration of a reasonable range of alternatives, that avoidance of adverse impacts to the species is impossible, to design and implement the activity in a manner that results in the lowest possible individual and cumulative adverse impacts on the species.

“(19) **MITIGATE.**—The term ‘mitigate’ means to redress adverse impacts to an endangered species or threatened species in connection with an action, by replacing the number of plants and animals in the wild, and the value to the species of the habitat, that were lost as a result of the adverse impacts.”;

(7) by inserting after paragraph (22) (as so redesignated) the following:

“(23) **RECOVERY.**—The term ‘recovery’ means a condition in which—

“(A) the threats to a species, as determined under section 4(a), have been eliminated;

“(B) the species has achieved long-term viability; and

“(C) the protective measures under this Act are no longer needed.”;

(8) by striking paragraph (25) (as so redesignated) and inserting the following:

“(25) SPECIES.—The term ‘species’ includes—

“(A) any subspecies of fish or wildlife or plant;

“(B) any distinct population segment of any species of vertebrate fish or wildlife that interbreeds when mature; and

“(C) the last remaining distinct population segment in the United States of any plant or invertebrate species.”; and

(9) in paragraph (26) (as so redesignated), by striking “and the Trust Territory of the Pacific Islands” and inserting “the Freely Associated States, and (for the purposes of subsections (c) and (d) of section 6), any Indian tribe”.

#### SEC. 102. DESIGNATION OF INTERIM AND CRITICAL HABITAT.

(a) IN GENERAL.—Section 4(a) (16 U.S.C. 1533(a)) is amended by striking paragraph (3) and inserting the following:

“(3) INTERIM AND CRITICAL HABITAT.—The Secretary, by regulation promulgated in accordance with subsection (b), shall—

“(A) subject to subparagraph (C), concurrently with making a determination under paragraph (1) that a species is an endangered species or threatened species, designate interim habitat of the species;

“(B) subject to subparagraph (C), concurrently with adoption of the final recovery plan for a species under subsection (f), designate critical habitat of the species;

“(C) in the case of a highly migratory marine species, designate interim habitat and critical habitat for the species to the maximum extent biologically determinable; and

“(D) from time to time thereafter as appropriate, revise a designation under this paragraph, if the Secretary determines that the revision would expedite or assist the recovery of the species.”.

(b) BASIS FOR DETERMINATIONS.—Section 4(b) (16 U.S.C. 1533(b)) is amended by striking paragraph (2) and inserting the following:

“(2) INTERIM AND CRITICAL HABITAT.—

“(A) CRITICAL HABITAT.—The Secretary shall designate critical habitat, and make revisions to the designations, under subsection (a)(3)—

“(i) on the basis of the best scientific data available; and

“(ii) after taking into consideration the economic impact, and any other relevant impact, of specifying any particular area as critical habitat.

“(B) INTERIM HABITAT.—In the case of interim habitat designated at the time of listing, the Secretary shall revise and finalize the habitat as critical habitat concurrently with the adoption of the final recovery plan.

“(C) EXCLUSION OF AREAS FROM CRITICAL HABITAT.—The Secretary may exclude any area from critical habitat on the basis that the benefits of the exclusion outweigh the benefits of specifying the area as part of the critical habitat, if the Secretary determines, based on the best scientific and commercial data available, that the failure to designate the area as critical habitat will not impair the recovery of the species.

“(D) DESIGNATION OF INTERIM HABITAT BASED ON BIOLOGICAL FACTORS.—The Secretary shall designate interim habitat of a species based only on biological factors, giving special consideration to habitat that is, at the time of the designation, occupied by the species.”.

#### SEC. 103. SCHEDULE FOR LISTING DETERMINATIONS.

Section 4(b)(3)(C) (16 U.S.C. 1533(b)(3)(C)) is amended by adding at the end the following:

“(iv) SPECIES WITH EXISTING FINDING OF WARRANTED ACTION.—Not later than 1 year after the date of enactment of this clause,

for each species for which a finding under subparagraph (B)(iii) was made before the date of enactment of this clause, the Secretary shall publish in the Federal Register—

“(I) a proposal to list the species as an endangered species or threatened species; or

“(II) a finding that the petitioned action is not warranted under subparagraph (B)(i).”.

“(v) SPECIES WITH NEW FINDING OF WARRANTED ACTION.—Not later than 4 years after the date on which a finding under subparagraph (B)(iii) is published for a species for which a finding under subparagraph (B)(iii) was made on or after the date of enactment of this clause, or a date on which such a species is otherwise designated by the Secretary as a candidate species, the Secretary shall publish in the Federal Register—

“(I) a proposal to list the species as an endangered species or threatened species; or

“(II) a finding that the petitioned action is not warranted under subparagraph (B)(i).”.

#### SEC. 104. CONTENTS OF LISTING PETITIONS.

Section 4(b)(3) (16 U.S.C. 1533(b)(3)) is amended by adding at the end the following:

“(E) CONTENTS OF LISTING PETITIONS.—A petition referred to in subparagraph (A) shall, to the maximum extent practicable, contain—

“(i) a description of the current known and historic ranges of the species;

“(ii) a description of the most recent population estimates and trends, if available;

“(iii) a statement of the reason that the petitioned action is warranted, including a description of known or perceived threats to the species;

“(iv) a bibliography of scientific literature on the species, if any, in support of the petition; and

“(v) any other information that the petitioner determines is appropriate.”.

#### SEC. 105. RECOVERY PLANNING.

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

(1) in paragraph (1)—

(A) in the first sentence—

(i) by striking “develop and implement plans” and inserting “, not later than 18 months after the date on which a species is added to a list under subsection (c), develop a draft plan and, not later than 30 months after that date, develop and begin implementation of a final plan”;

(ii) by inserting “each” before “endangered”; and

(iii) by striking “, unless he finds that such a plan will not promote the conservation of the species”; and

(B) in the second sentence, by striking subparagraph (B) and inserting the following:

“(B) include in each plan specific provisions, including provisions required under subparagraph (C), that provide for the conservation in the recovery plan area of all species listed as endangered species or threatened species, candidate species, and species proposed for listing;

“(C) incorporate in each recovery plan for a species—

“(i) a description of such site-specific management actions, including identification of actions of the highest priority and greatest recovery potential, as may be necessary to achieve the goals of the plan for the recovery of the species;

“(ii) objective, measurable criteria, including habitat needs and population levels, that, when met, would result in a determination, in accordance with this section, that the species be removed from the list;

“(iii) estimates of the time required and the cost to carry out those measures needed to achieve the goals of the plan and to achieve intermediate steps toward each goal;

“(iv) a general description of the types of actions likely to violate the taking prohibi-

tion of section 9 or the jeopardy prohibition of section 7; and

“(v) a list of Federal agencies, States, tribes, and local government entities, significantly affected by the goals or management actions specified in the recovery plan, that should complete a recovery implementation plan pursuant to paragraph (5)(A); and

“(D) for the purposes of determining the criteria under subparagraph (C)(ii), select, in consultation with the National Academy of Sciences, independent scientists who—

“(i) through publication of peer-reviewed scientific literature, have demonstrated relevant scientific expertise in that species or a similar species; and

“(ii) do not have, nor represent anyone with, a significant economic interest in the recovery plan.”; and

(2) by striking paragraph (5) and inserting the following:

“(5) RECOVERY IMPLEMENTATION PLANS.—

“(A) IN GENERAL.—Each Federal agency significantly affected by the goals or management actions specified in a final recovery plan shall develop and implement a plan (referred to in this paragraph as a ‘recovery implementation plan’), after providing public notice and an opportunity for public review and comment on the recovery implementation plan.

“(B) CONTENTS.—Each recovery implementation plan shall—

“(i) identify the affirmative conservation duties and management responsibilities of the agency that will contribute to the achievement of recovery goals identified in the final recovery plan;

“(ii) specify specific agency actions, time-tables, and funding required to achieve and monitor progress toward meeting recovery goals or management responsibilities;

“(iii) identify any land or water under the jurisdiction or ownership of the agency that provide or may provide suitable habitat for the species;

“(iv) identify any actions needed to acquire additional suitable habitat under section 5(a); and

“(v) describe management actions that the agency will take on land or water under the jurisdiction or ownership of the agency to contribute toward recovery of the species.

“(C) STATE COOPERATION.—Consistent with section 6, the Secretary shall cooperate, to the maximum extent practicable, with States, tribes, and local government entities, that are significantly affected by a final recovery plan, to develop State cooperative plans to achieve the goals and implement the management actions identified in the recovery plan.”.

#### SEC. 106. ENDANGERED SPECIES CONSERVATION AGREEMENTS.

Section 5 (16 U.S.C. 1534) is amended by adding at the end the following:

“(c) ENDANGERED SPECIES CONSERVATION AGREEMENTS.—

“(1) IN GENERAL.—The Secretary may enter into an agreement in accordance with this subsection, to be known as an ‘endangered species conservation agreement’, with any person that is an owner or lessee of real property on which will be carried out conservation measures for any species described in paragraph (3) in accordance with the endangered species conservation agreement.

“(2) REQUIRED TERMS.—The Secretary shall include in an endangered species conservation agreement with a person under this subsection provisions that—

“(A) require the person—

“(i) to carry out on real property owned or leased by the person activities not otherwise required by law that contribute to the conservation of a species described in paragraph (3); or

"(ii) to refrain from carrying out on real property owned or leased by the person otherwise lawful activities that would inhibit the conservation of a species described in paragraph (3);

"(B) describe the real property referred to in clauses (i) and (ii) of subparagraph (A);

"(C) specify species conservation goals for the activities by the person, and measures for attaining the conservation goals of this subsection;

"(D) require the person to make measurable progress each year in achieving the goals;

"(E) specify actions to be taken by the Secretary or the person, or both, to monitor the effectiveness of the endangered species conservation agreement in attaining the goals;

"(F) require the person to notify the Secretary if—

"(i) any right or obligation of the person under the endangered species conservation agreement is assigned to any other person; or

"(ii) any term of the endangered species conservation agreement is breached by the person or any other person to whom is assigned a right or obligation of the person under the endangered species conservation agreement;

"(G) specify the date on which the endangered species conservation agreement takes effect; and

"(H) provide that the endangered species conservation agreement shall not be in effect on and after any date on which the Secretary publishes a certification under paragraph (5) that the person has not complied with the endangered species conservation agreement.

"(3) COVERED SPECIES.—A species referred to in clauses (i) and (ii) of paragraph (2)(A) is any species that is—

"(A) listed as an endangered species or threatened species under section 4;

"(B) proposed for such listing under section 4; or

"(C) identified by the Secretary as a candidate for such listing under section 4.

"(4) REVIEW AND APPROVAL OF PROPOSED ENDANGERED SPECIES CONSERVATION AGREEMENTS BY SECRETARY.—On submission by any person of a proposed endangered species conservation agreement under this subsection, the Secretary shall—

"(A) review the proposed endangered species conservation agreement and determine whether the endangered species conservation agreement complies with the requirements of this subsection; and

"(B) if the Secretary determines that the endangered species conservation agreement complies with the requirements of this subsection—

"(i) approve the endangered species conservation agreement and enter into the endangered species conservation agreement with the person; and

"(ii) promptly notify the Secretary of the Treasury that the endangered species conservation agreement has been entered into and specify the date on which the endangered species conservation agreement takes effect.

"(5) MONITORING IMPLEMENTATION OF ENDANGERED SPECIES CONSERVATION AGREEMENTS.—The Secretary shall—

"(A) periodically monitor the implementation of each endangered species conservation agreement entered into under this subsection; and

"(B) based on the information obtained from the monitoring, annually certify to the Secretary of the Treasury whether or not each person that has entered into an endangered species conservation agreement under this subsection has complied with the endangered species conservation agreement.

"(6) STATE COOPERATION.—The Secretary shall establish a technical assistance program in cooperation with the States to assist landowners in the development and implementation of endangered species conservation agreements."

#### SEC. 107. INTERAGENCY COOPERATION.

(a) FEDERAL AGENCY ACTIONS AND CONSULTATIONS.—Section 7(a) (16 U.S.C. 1536(a)) is amended—

(1) in the second sentence of paragraph (1)—

(A) by striking "All other Federal agencies" and inserting "Each other Federal agency";

(B) by striking "their" and inserting "its"; and

(C) by inserting before the period the following: "including recovery actions identified in recovery implementation plans of the agency";

(2) in the first sentence of paragraph (2), by inserting after "to be critical," the following: "in such a way as to diminish the value of that habitat for the recovery of the species,"; and

(3) by adding at the end the following:

"(5) CONSULTATION WITH SECRETARY CONCERNING CANDIDATE SPECIES.—

"(A) IN GENERAL.—Any Federal agency may consult with the Secretary regarding any action that may affect any candidate species or species proposed for listing under section 4(c).

"(B) ADDITIONAL CONSULTATION.—If consultation under this paragraph is completed before the listing of the species—

"(i) no additional consultation is required solely as a consequence of the subsequent listing of the species, if the Secretary determines that there have been no significant changes in the agency proposal and that there is no significant new information that was not considered in the original consultation; and

"(ii) the Secretary shall reinstate consultation under paragraph (2), if the Secretary determines that there has been a significant change in the agency proposal or that there is significant new information that was not considered in the original consultation.

"(C) NOTIFICATION OF CHANGE OR NEW INFORMATION.—A Federal agency shall notify the Secretary of any significant change in, or significant new information regarding, any action regarding which the agency consulted with the Secretary under this paragraph.

"(6) MONITORING.—The head of each Federal agency shall monitor the status and trends of endangered species, threatened species, and candidate species that occur on land or in water under the jurisdiction or ownership of the agency."

(b) OPINION OF SECRETARY.—Section 7(b) (16 U.S.C. 1536(b)) is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) STATEMENT OF OPINION OF SECRETARY.—

"(A) IN GENERAL.—Promptly after conclusion of consultation under paragraph (2), (3), or (5) of subsection (a), the Secretary shall provide to the Federal agency and the applicant, if any, a written statement setting forth the Secretary's opinion, and a summary of the information on which the opinion is based, detailing how the agency action affects the species or its critical habitat, including a description of the quantity of habitat and the number of members of the species that will be taken, and conservation actions to minimize and mitigate the impacts of any incidental taking that may result from the action.

"(B) ALTERNATIVES.—If jeopardy or adverse modification is found, the Secretary shall

suggest those reasonable and prudent alternatives that the Secretary believes would not violate subsection (a)(2) and that can be taken by the Federal agency or applicant in implementing the agency action."

(2) in paragraph (4)—

(A) in subparagraphs (A) and (B), by striking "violate such subsection" each place it appears and inserting "interfere with the timely achievement of recovery goals";

(B) in clause (ii), by inserting "and mitigate" after "minimize";

(C) in clause (iii), by striking "and" after the comma at the end;

(D) in clause (iv), by striking the period at the end and inserting "and"; and

(E) by adding at the end the following:

"(v) directs the Federal agency to assess and report to the Secretary not later than 2 years after the date of issuance of the written statement and every 2 years thereafter for as long as any incidental taking continues, the quantity of the incidental taking that has occurred as a direct impact, indirect impact, or cumulative impact.

If an assessment under clause (v) indicates that the quantity of incidental taking authorized under the written statement has been exceeded, the Federal agency shall immediately reinstate consultation with the Secretary pursuant to subsection (a)(2)."; and

(3) by adding at the end the following:

"(5) NOTICE OF CONSULTATION AND ACTION.—

"(A) IN GENERAL.—On receipt of a request to initiate consultation under paragraph (2), (3), or (5) of subsection (a), the Secretary shall promptly publish a notice in the Federal Register announcing that the consultation has been initiated and briefly describing the proposed agency action.

"(B) AVAILABILITY OF INFORMATION.—The Secretary shall make available on request any information in the possession or control of the Secretary concerning the consultation or the opinion prepared pursuant to this subsection with respect to the consultation.

"(6) INDEPENDENT SCIENTISTS.—In preparing an opinion pursuant to this subsection, the Secretary shall invite independent scientists described in section 4(f)(1)(D) with expertise on species that may be affected by the proposed agency action to provide input into the consultation or opinion.

"(7) PUBLICATION OF FINDINGS AND REASONS.—Not later than 30 days after the date on which the Secretary provides a written statement under paragraph (3) to the Federal agency and the applicant for a permit, if any, the Secretary shall publish in the Federal Register a description of the findings and reasons of the Secretary for making any determination under this subsection."

(c) BIOLOGICAL ASSESSMENT.—Section 7(c)(1) (16 U.S.C. 1536(c)(1)) is amended in the last sentence by striking "Such assessment may be undertaken" and inserting "The assessment shall be made available to the public and may be undertaken".

(d) FOREIGN SPECIES.—Section 7 (16 U.S.C. 1536) is amended by adding at the end the following:

"(q) FOREIGN SPECIES.—This section shall apply to any agency action with respect to any endangered species, threatened species, species proposed to be added to a list under section 4(c), or candidate species carried out in whole or in part, in the United States, in a foreign country, or on the high seas."

(e) STREAMLINING AND CONSOLIDATING INTERAGENCY COOPERATION.—Section 7 (16 U.S.C. 1536) (as amended by subsection (d)) is amended by adding at the end the following:

"(r) REGULATIONS TO ENSURE TIMELY CONCLUSION OF CONSULTATIONS.—

"(1) DEFINITION OF ECOSYSTEM.—In this subsection, the term 'ecosystem' means a dynamic complex of organisms and biological

communities, and their associated nonliving environment, interacting together as an ecological unit.

"(2) REQUIREMENT.—Not later than 1 year after the date of enactment of this subsection, the Secretary, in cooperation with the States, shall promulgate regulations to ensure timely conclusion of consultations under this section.

"(3) CONTENT.—Regulations under this subsection shall provide that—

"(A) consultations and conferences under this section between the Secretary and a Federal agency shall, to the maximum extent practicable and if approved by the Secretary, encompass a number of similar or related agency actions to be undertaken within a particular geographical range or ecosystem; and

"(B) the Secretary shall, to the maximum extent practicable, consolidate requests for consultations or conferences from various Federal agencies whose proposed actions may affect endangered species, threatened species, or candidate species that are dependent on the same ecosystem."

#### SEC. 108. PERMITS AND CONSERVATION PLANS.

Section 10 (16 U.S.C. 1539) is amended by striking subsection (a) and inserting the following:

"(a) PERMITS.—

"(1) IN GENERAL.—The Secretary may permit, under the terms and conditions provided for in this section—

"(A) any act otherwise prohibited by section 9 for scientific purposes or to enhance the propagation or survival of the affected species, or the conservation of the species in the wild, such as acts necessary for the conservation, establishment, and maintenance of experimental populations pursuant to subsection (j); or

"(B) any taking otherwise prohibited by section 9(a)(1) if the taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

"(2) DURATION.—The Secretary shall limit the duration of a permit under paragraph (1) as necessary to ensure that changes in circumstances that could occur in the period covered by the permit and that would jeopardize the continued existence of the species are reasonably foreseeable.

"(3) CONSERVATION PLAN.—

"(A) IN GENERAL.—No permit may be issued by the Secretary authorizing any taking referred to in paragraph (1)(B) unless the applicant for the permit submits to the Secretary a conservation plan in accordance with this paragraph that is based on the best scientific and commercial information available.

"(B) CONTENTS.—A conservation plan under this paragraph shall provide a description and analysis of—

"(i) the specific activities sought to be authorized by the permit;

"(ii) a reasonable range of alternative actions to the taking of each species covered by the plan;

"(iii) the individual and cumulative impacts that may reasonably be anticipated to result from the permitted activities covered by the plan, including the impacts of modification or destruction of habitat of species authorized under the permit;

"(iv) objective, measurable biological goals to be achieved for each species covered by the plan;

"(v) the conservation measures that the applicant will implement to minimize and mitigate the impacts described in clause (iii), including—

"(I) the specific conservation measures for achieving the biological goals of the plan; and

"(II) any additional requirements or restrictions or other adaptive management

provisions that are necessary to respond to all reasonably foreseeable changes in circumstances that would jeopardize the continued existence of any species covered by the plan, including new scientific information and changing environmental conditions, including natural disasters;

"(vi) the reasonably anticipated costs of the measures described in clause (v);

"(vii) the actions that the applicant will take to monitor—

"(I) the effectiveness of the plan's conservation measures in achieving the plan's biological goals; and

"(II) impacts on the recovery of each species;

"(viii) funding that will be available to the applicant, throughout the term of the plan, to implement the plan and the conservation measures specified in the plan; and

"(ix) such other matters as the Secretary determines are necessary or appropriate for the purposes of carrying out the plan.

"(C) FINDINGS.—The Secretary shall not issue a permit under paragraph (1)(B) for the taking of any species unless the Secretary finds, after opportunity for public comment with respect to a permit application and the related conservation plan, that—

"(i) the conservation plan submitted for the permit meets all of the requirements of this paragraph;

"(ii) the taking will be incidental;

"(iii) the applicant will minimize and mitigate the individual impacts and cumulative impacts of the taking;

"(iv) the activities authorized by the permit and conservation plan are consistent with the recovery of the species and will result in no net loss of the value to the species of the habitat occupied by the species;

"(v) the applicant has, in accordance with paragraph (9), filed a performance bond or other evidence of financial security to ensure adequate funding for each element of the conservation plan; and

"(vi) the permit contains—

"(I) such terms and conditions as are necessary or appropriate to carry out this paragraph and ensure implementation of the conservation plan by the applicant; and

"(II) such reporting and monitoring requirements as are necessary for determining whether the terms and conditions are being complied with.

"(D) REPORTS ON BIOLOGICAL STATUS AND GOALS.—

"(i) IN GENERAL.—Each permit shall require the permittee to provide to the Secretary, not later than 1 year after the date of issuance of the permit and at least once each year thereafter during the term of the permit, a complete report on—

"(I) the biological status of the species in the affected area;

"(II) the impacts of the habitat conservation plan and the permitted action on the species; and

"(III) whether the biological goals of the plan are being met.

"(ii) AVAILABILITY TO PUBLIC.—The Secretary shall make reports required under this subparagraph available to the public.

"(E) ADDITIONAL CONSERVATION MEASURES.—

"(i) IN GENERAL.—If necessary to ensure that the permitted action does not jeopardize the continued existence of any species affected by the permitted action, the Secretary shall require a permittee to implement conservation measures in addition to the conservation measures specified in the plan.

"(ii) COST SHARING.—The Secretary shall pay the costs of any additional conservation measures required under this subparagraph that are in excess of the reasonably anticipated costs specified in the plan.

"(4) REVIEW BY SECRETARY.—

"(A) IN GENERAL.—Every 3 years after the date of approval of a permit application and conservation plan under this section, the Secretary shall review and report on the progress toward implementation of the terms and conditions of the permit and plan and make recommendations on actions necessary to ensure that—

"(i) the terms and conditions do not jeopardize the continued existence of any species;

"(ii) progress is being made toward achieving the biological goals of the plan; and

"(iii) the requirements, goals, and purposes of this Act are being met.

"(B) AVAILABILITY TO PUBLIC.—The Secretary shall annually—

"(i) prepare and make publicly available a report on the status of all permits reviewed pursuant to this paragraph since the date of the last report; and

"(ii) publish in the Federal Register a notice of the availability of the most recent report.

"(5) PERMIT REVOCATION.—The Secretary shall revoke a permit issued under this section and issue an order suspending activities allowed under the permit that may be reasonably expected to cause a taking of any species covered by the permit, if—

"(A) the permittee is not in compliance with the terms and conditions of the permit, the requirements of this Act, and the regulations issued under this Act, including any failure by a permittee to substantially comply with the conservation plan required for a permit issued under paragraph (1)(B); or

"(B) the level of the taking authorized by the permit has been exceeded.

"(6) ACTIONS BY SECRETARY ON FAILURE BY PERMITTEE.—

"(A) IN GENERAL.—If a permittee defaults on any obligation of the permittee under a permit issued under paragraph (1)(B) or a conservation plan required for the permit, the Secretary shall undertake actions to conserve each species covered by the plan and permit.

"(B) FUNDING.—To carry out actions required under subparagraph (A) with respect to a default by a permittee, the Secretary may use—

"(i) the proceeds of the performance bond or other financial security under paragraph (9) provided by the permittee; and

"(ii) amounts in the Habitat Conservation Plan Fund established by paragraph (10).

"(7) LOW EFFECT, SMALL SCALE PLANS.—

"(A) IN GENERAL.—The Secretary shall develop and implement a streamlined application and approval procedure for a permit issued under paragraph (1)(B) and related conservation plan that the Secretary determines to be a low effect, small scale plan.

"(B) PREREQUISITES.—A permit and related conservation plan may be treated as a low effect, small scale permit and plan if—

"(i) the permitted action is expected to be of less than 5 years in duration;

"(ii) the conservation plan is applicable to an area of less than 5 acres;

"(iii) the affected acreage is not adjacent to other land that has been the subject of a permit issued under this section within the preceding 5 years to the same person, or as part of the same project;

"(iv) the permitted action is not part of a single larger project that will have additional impacts on the endangered species or threatened species;

"(v) the Secretary determines that the plan will have a negligible cumulative impact and individual impact on the recovery of the endangered species or threatened species; and

"(vi) the permitted action is not related to other actions that will have additional impacts on the endangered species or threatened species.

"(C) RELATED ACTIONS.—For the purposes of subparagraph (B)(vi), actions shall be considered related if they—

"(i) automatically trigger other actions that may affect endangered species or threatened species;

"(ii) cannot or will not proceed unless other actions are taken previously or simultaneously; or

"(iii) are interdependent on parts of a larger action and depend on the larger action for their justification.

"(D) MONITORING.—

"(i) IN GENERAL.—The Secretary shall monitor the implementation and results of low effect, small scale permits and conservation plans to ensure that the permits and plans do not jeopardize the continued existence of any endangered species or threatened species.

"(ii) ADDITIONAL REQUIREMENTS OR RESTRICTIONS.—If the Secretary determines that additional requirements or restrictions are required to ensure that actions authorized by a low effect, small scale conservation plan do not jeopardize the continued existence of any species determined to be an endangered species or threatened species after the plan was approved, the Secretary shall require appropriate modifications to the plan to implement those requirements or restrictions.

"(iii) COST SHARING.—The Secretary shall pay all costs of implementing additional requirements or restrictions required under clause (ii).

"(E) FINANCIAL SECURITY.—The permittee for which a low effect, small scale permit and conservation plan is approved under this paragraph shall not be required to provide a performance bond or other financial security under paragraph (9).

"(8) MONITORING.—The Secretary shall monitor the implementation and results of all conservation plans approved under this subsection to ensure that the plans do not jeopardize the continued existence of any endangered species or threatened species.

"(9) PERFORMANCE BONDS.—

"(A) IN GENERAL.—After the approval of an incidental taking permit under paragraph (1)(B) and associated conservation plan in accordance with this subsection, but before the permit is issued, the applicant shall—

"(i) file with the Secretary a performance bond payable to the United States, and conditional on faithful performance of all the requirements of the permit; or

"(ii) deposit another form of financial security, payable to the United States, in a form and manner approved by the Secretary, and conditional on such faithful performance, having a cash or market value, as applicable, equal to or greater than the amount of a performance bond otherwise required under clause (i).

"(B) AMOUNT.—The amount of the bond or deposit of other financial security required for each permit shall be—

"(i) determined by the Secretary;

"(ii) based on the mitigation requirements needed to meet the biological goals of the conservation plan; and

"(iii) sufficient to ensure the completion of all conservation measures to be implemented by the permittee under the conservation plan that are specified in the plan.

"(C) PHASED OR ADJUSTED BONDS OR DEPOSITS.—In the case of a bond or deposit of other financial security required for a large-scale conservation plan (as defined in paragraph (12)(A)), or a conservation plan for which the reasonably foreseeable costs may be prohibitive, the Secretary may authorize the use of—

"(i) phased bonds or deposits, by which the permittee may divide the area or actions covered by the conservation plan into discrete sections and execute a separate bond or deposit for each section before undertaking any action on that section; or

"(ii) adjusted bonds or deposits, through which the amount of the bond or deposits required and the terms of acceptance of a bond or deposits shall be adjusted by the Secretary from time to time as the extent of actions that affect endangered species or threatened species increases or decreases.

"(D) EXECUTION.—The bond or deposits shall be executed by the permittee and a corporate surety or depository, respectively.

"(E) RELEASE OF BOND OR DEPOSIT.—

"(i) IN GENERAL.—The permittee may file a request with the Secretary for the release of all or any part of a performance bond or deposit of any other financial security required under this paragraph.

"(ii) NOTICE AND COMMENT.—Not later than 30 days after any request for release has been filed with the Secretary, the Secretary shall—

"(I) file notice of the request in the Federal Register; and

"(II) provide opportunity for public comment before making a decision under clause (iii).

"(iii) REVIEW.—Not later than 30 days after receipt of the request, the Secretary shall conduct a review of the implementation of the conservation plan to determine whether—

"(I) the requirements of the plan have been fully implemented;

"(II) the plan has achieved its biological goals; and

"(III) no further action is needed to ensure that the permitted action is not jeopardizing the existence of the species covered by the plan.

"(iv) NOTICE OF DECISION.—Not later than 90 days after receipt of the request, the Secretary shall notify the permittee in writing of the decision of the Secretary to release or not to release all or part of the bond or deposit.

"(v) NOTICE OF REASONS FOR NO RELEASE.—If the Secretary does not release any portion of the bond or deposit, the Secretary shall notify the permittee in writing of the reasons that the portion was not released and recommended corrective actions necessary to secure that release.

"(10) HABITAT CONSERVATION PLAN FUND.—

"(A) ESTABLISHMENT.—There is established in the Treasury a separate account to be known as the 'Habitat Conservation Plan Fund' (referred to in this paragraph as the 'Fund').

"(B) CONTENTS.—The Fund shall consist of—

"(i) donations to the Fund;

"(ii) appropriations to the Fund;

"(iii) amounts received by the United States as fees charged for permits under this section;

"(iv) amounts received by the United States as natural resource damages under section 11(i); and

"(v) the proceeds of performance bonds and other deposits of financial security under paragraph (9).

"(C) USE.—Amounts in the Fund shall be available to the Secretary until expended, without further appropriation, to pay the cost of—

"(i) additional conservation measures required under paragraph (3)(E) and additional requirements and restrictions required under paragraph (7)(C)(iii) for recovery of a species;

"(ii) actions by the Secretary to conserve species under paragraph (6);

"(iii) permitting with respect to which fees are deposited in the Fund under subparagraph (B)(iii); and

"(iv) restoration or replacement of natural resources with respect to which natural resource damages are deposited in the Fund under subparagraph (B)(iv).

"(11) MULTIPLE LANDOWNER, MULTISPECIES PLANNING.—

"(A) IN GENERAL.—The Secretary shall encourage the development of multiple landowner, multispecies conservation plans, that—

"(i) make a significant contribution to the recovery of an endangered species or threatened species;

"(ii) rely on the best available scientific information;

"(iii) rely, to the maximum extent practicable, on ecosystem planning; and

"(iv) maintain the well-being of other species located within the planning area.

"(B) STREAMLINING OF PERMITTING PROCESSES ACROSS JURISDICTIONS.—

"(i) IN GENERAL.—To encourage the development of the plans, the Secretary shall cooperate, to the maximum extent practicable, with States and local governments to streamline permitting processes across jurisdictions.

"(ii) LARGE-SCALE CONSERVATION PLANS.—The cooperation shall include issuing permits under paragraph (1)(B) to a State, local government, or group of local governments for large-scale conservation plans that involve more than 1 landowner.

"(C) INCIDENTAL TAKING CERTIFICATES.—A permit under subparagraph (B)(ii) may authorize the State, local government, or group of local governments to issue incidental taking certificates to landowners that authorize takings under the authority of the permit within the jurisdiction of the State, local government, or group of local governments, if—

"(i) the State, local government, or group of local governments meets the performance bond or other financial security requirements under paragraph (9) with respect to all such certificates, or each certificate is effective only after the landowner to whom the certificate is issued has met those requirements with respect to the certificate;

"(ii) the State, local government, or group of local governments ensures that all incidental taking certificates issued under the permit are consistent with the permit and approved habitat conservation plan;

"(iii) the State, local government, or group of local governments provides adequate public notice and opportunity to comment on decisions to issue incidental taking certificates; and

"(iv) the Secretary and the State, local government, or group of local governments have adequate authority to enforce the terms and conditions of the incidental taking certificates.

"(D) ENCOURAGEMENT OF PLANS.—The Secretary shall—

"(i) ensure the participation of a broad range of public and private interests in the development of the plan;

"(ii) provide technical assistance to the maximum extent practicable; and

"(iii) give the plans priority consideration for funding under section 6.

"(E) POOLED BONDS OR DEPOSITS.—The Secretary may approve the use of pooled bonds or deposits in order to meet the requirements of paragraph (9) for plans approved under this paragraph that—

"(i) do not meet the requirements of subparagraph (C); and

"(ii) involve more than 1 landowner.

"(12) CITIZEN PARTICIPATION; INDEPENDENT SCIENTISTS.—

"(A) DEFINITIONS.—In this paragraph:

“(i) AGENCY INVOLVEMENT.—The term ‘agency involvement’ means any role played by the Secretary in the development of a conservation plan under paragraph (3).

“(ii) INDEPENDENT SCIENTIST.—The term ‘independent scientist’ means a scientist that meets the criteria specified in section 4(f)(1)(D).

“(iii) LARGE-SCALE CONSERVATION PLAN.—The term ‘large-scale conservation plan’ means a conservation plan that covers a significant portion of the range of an endangered species, threatened species, candidate species, or species proposed for listing under section 4.

“(B) NOTICE AND COMMENT.—The Secretary may issue a permit under this section only after—

“(i) notice of the receipt of an application for the permit has been published in the Federal Register;

“(ii) at least a 60-day public comment period has been provided; and

“(iii) a notice of permit approval has been published in the Federal Register with agency responses to public comments.

“(C) AGENCY INVOLVEMENT.—

“(i) IN GENERAL.—On receipt of request for involvement by an agency in the development of a large-scale conservation plan pursuant to paragraphs (3)(A) and (11), the Secretary shall promptly publish a notice in the Federal Register announcing the agency’s involvement and briefly describing the activities that would be permitted under the plan.

“(ii) AVAILABILITY OF INFORMATION.—The Secretary shall make available, on request, any information in the Secretary’s possession or control concerning the planning efforts.

“(D) PUBLIC PARTICIPATION.—

“(i) IN GENERAL.—The Secretary shall invite members of the public to participate in the development of large-scale conservation plans and multiple landowner, multispecies plans.

“(ii) BALANCED DEVELOPMENT PROCESS.—The Secretary shall promulgate regulations establishing a development process under this paragraph that ensures an equitable balance of participation between—

“(I) citizens with a primary interest in carrying out economic development activities that may affect species conservation; and

“(II) citizens whose primary interest is in species conservation.

“(iii) MEETINGS.—A meeting of participants under this subparagraph shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.), but shall be open to the public.

“(E) INDEPENDENT SCIENTISTS.—On receipt of a request for involvement by an agency in the development of a large-scale conservation plan, the Secretary shall invite independent scientists with expertise on species that may be affected by the plan to provide input.

“(13) COMMUNITY ASSISTANCE PROGRAM.—

“(A) ESTABLISHMENT.—The Secretary shall establish a community assistance program to provide timely and accurate information to local governments and property owners in accordance with subparagraph (B).

“(B) FIELD OFFICE EMPLOYEES.—Under the community assistance program, the Secretary shall assign to each field office of the United States Fish and Wildlife Service employees whose duties include—

“(i) providing accurate, timely information on local impacts of determinations that species are endangered species or threatened species, recovery planning efforts, and other actions under this Act;

“(ii) providing assistance on obtaining permits under this section and otherwise complying with this Act;

“(iii) serving as a focal point for questions, requests, complaints, and suggestions from property owners and local governments concerning the policies and activities of the United States Fish and Wildlife Service or other Federal agencies in the implementation of this Act; and

“(iv) training Federal personnel on public outreach efforts under this Act.”.

#### SEC. 109. CITIZEN SUITS.

Section 11(g) (16 U.S.C. 1540(g)) is amended—

(1) in paragraph (1)(A), by striking “in violation” and all that follows through the end of the subparagraph and inserting “in violation of this Act, any regulation or permit issued under this Act, any statement provided by the Secretary under section 7(b)(3), or any agreement concluded under this Act;”; and

(2) in paragraph (2)—

(A) in subparagraph (A)(i), by inserting before the semicolon at the end the following “, except that notwithstanding this clause such an action may be brought immediately after the notice in the case of an action against any person regarding an emergency posing a significant risk to any species of fish, wildlife, or plant included in a list under section 4(c) or proposed for inclusion in such a list”; and

(B) in subparagraph (B)(i), by inserting before the semicolon at the end the following “, except that notwithstanding this clause such an action may be brought immediately after such notice in the case of an action under this section against any person regarding an emergency posing a significant risk to any species of fish, wildlife, or plant included in a list under section 4(c)”.

#### SEC. 110. NATURAL RESOURCE DAMAGE LIABILITY.

Section 11 (16 U.S.C. 1540) is amended by adding at the end the following:

“(i) NATURAL RESOURCE DAMAGE LIABILITY.—

“(1) IN GENERAL.—Any person that, in violation of this Act, negligently damages any member or habitat of a species included in a list under section 4(c) shall be liable to—

“(A) the United States for the costs incurred by the United States in restoring or replacing the member or habitat, including reasonable costs of assessing the damage; and

“(B) a State for the costs incurred by the State in restoring or replacing the member or habitat under a management agreement with the Secretary under section 6(a) or a cooperative agreement with the Secretary under section 6(c), including reasonable costs of assessing the damage.

“(2) DEPOSIT.—Amounts received by the United States under this subsection—

“(A) shall be deposited in the Habitat Conservation Plan Fund established by section 10(a)(10); and

“(B) may be obligated only for the acquisition or rehabilitation of damaged habitat or populations.

“(3) CIVIL ACTIONS BY SECRETARY.—The Secretary may commence a civil action on behalf of the United States under this subsection.

“(4) NOTICE.—No action may be commenced under this subsection by the Secretary or a State before the end of the 60-day period beginning on the date on which the Secretary or the State, respectively, provides written notice of the action to the person against whom the action is commenced.”.

#### SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

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

##### “SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There are authorized to be appropriated—

“(1) to the Secretary of the Interior for carrying out this Act—

“(A) \$135,000,000 for fiscal year 2001;

“(B) \$140,000,000 for fiscal year 2002;

“(C) \$145,000,000 for fiscal year 2003;

“(D) \$150,000,000 for fiscal year 2004; and

“(E) \$155,000,000 for fiscal year 2005; and

“(2) to the Secretary of Commerce for carrying out this Act—

“(A) \$35,000,000 for fiscal year 2001;

“(B) \$40,000,000 for fiscal year 2002;

“(C) \$45,000,000 for fiscal year 2003;

“(D) \$50,000,000 for fiscal year 2004; and

“(E) \$55,000,000 for fiscal year 2005.

“(b) CONVENTION IMPLEMENTATION.—In addition to other amounts authorized by this section, there are authorized to be appropriated to the Secretary of the Interior for carrying out functions under section 8 relating to implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora—

“(1) \$3,000,000 for fiscal year 2001; and

“(2) \$4,000,000 for each of fiscal years 2002 and 2003.

“(c) HABITAT CONSERVATION PLAN FUND.—In addition to other amounts authorized by this section, there is authorized to be appropriated to the Habitat Conservation Plan Fund established by section 10(a)(10) \$20,000,000 for each of fiscal years 2001, 2002, and 2003.

“(d) COOPERATIVE AGREEMENT FUNDS.—In addition to other amounts authorized by this section, there are authorized to be appropriated—

“(1) to the Secretary of the Interior for entering into cooperative agreements under section 6 with States and Indian tribes, \$20,000,000 for each of fiscal years 2001, 2002, and 2003; and

“(2) to the Secretary of Commerce for entering into cooperative agreements under section 6 with States and Indian tribes, \$5,000,000 for each of fiscal years 2001, 2002, and 2003.”.

## TITLE II—SPECIES CONSERVATION TAX INCENTIVES

### SEC. 201. TAX EXCLUSION FOR COST-SHARING PAYMENTS UNDER PARTNERS FOR FISH AND WILDLIFE PROGRAM.

(a) IN GENERAL.—Section 126(a) of the Internal Revenue Code of 1986 (relating to certain cost-sharing payments) is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following:

“(10) The Partners for Fish and Wildlife Program authorized by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.).”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to payments received after the date of the enactment of this Act.

### SEC. 202. ENHANCED DEDUCTION FOR THE DONATION OF A CONSERVATION EASEMENT.

(a) IN GENERAL.—Subparagraph (A) of section 170(h)(4) of the Internal Revenue Code of 1986 (defining conservation purpose) is amended by striking “or” at the end of clause (iii), by striking the period at the end of clause (iv) and inserting “, or”, and by adding at the end the following:

“(v) the conservation of a species designated by the Secretary of the Interior or the Secretary of Commerce under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq) as endangered or threatened, proposed by such Secretary for designation as endangered or threatened, or identified by such Secretary as a candidate for such designation, provided the property is not required, as of the date of contribution, to be used for such purpose other than by reason of the terms of contribution.”.

(b) ENHANCED DEDUCTIONS.—Subsection (e) of section 170 of the Internal Revenue Code



of 1986 (defining qualified conservation contribution) is amended by adding at the end the following:

“(7) SPECIAL RULES FOR CONTRIBUTIONS RELATED TO CONSERVATION OF SPECIES.—In the case of a qualified conservation contribution by an individual for the conservation of endangered or threatened species, proposed species, or candidate species under subsection (h)(4)(v):

“(A) 50 PERCENT LIMITATION TO APPLY.—Such a contribution shall be treated for the purposes of this section as described in subsection (b)(1)(A).

“(B) 20-YEAR CARRY FORWARD.—Subsection (d)(1) shall be applied by substituting ‘20 years’ for ‘5 years’ each place it appears and with appropriate adjustments in the application of subparagraph (A)(ii) thereof.

“(C) UNUSED DEDUCTION CARRYOVER ALLOWED ON TAXPAYER’S LAST RETURN.—If the taxpayer dies before the close of the last taxable year for which a deduction could have been allowed under subsection (d)(1), any portion of the deduction for such contribution which has not been allowed shall be allowed as a deduction under subsection (a) (without regard to subsection (b)) for the taxable year in which such death occurs or such portion may be used as a deduction against the gross estate of the taxpayer.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after the date of the enactment of this Act.

**SEC. 203. EXCLUSION FROM ESTATE TAX FOR REAL PROPERTY SUBJECT TO ENDANGERED SPECIES CONSERVATION AGREEMENT.**

(a) IN GENERAL.—Part IV of subchapter A of chapter 11 of the Internal Revenue Code of 1986 (relating to taxable estate) is amended by adding at the end the following new section:

**“SEC. 2058. CERTAIN REAL PROPERTY SUBJECT TO ENDANGERED SPECIES CONSERVATION AGREEMENT.**

“(a) GENERAL RULE.—For purposes of the tax imposed by section 2001, the value of the taxable estate shall be determined by deducting from the value of the gross estate an amount equal to lesser of—

“(1) the adjusted value of real property included in the gross estate which is subject to an endangered species conservation agreement, or

“(2) \$10,000,000.

“(b) PROPERTY SUBJECT TO AN ENDANGERED SPECIES CONSERVATION AGREEMENT.—For purposes of this section—

“(1) IN GENERAL.—Real property shall be treated as subject to an endangered species conservation agreement if—

“(A) such property was owned by the decedent or a member of the decedent’s family at all times during the 3-year period ending on the date of the decedent’s death,

“(B) each person who has an interest in such property (whether or not in possession) has entered into—

“(i) an endangered species conservation agreement with respect to such property, and

“(ii) a written agreement with the Secretary consenting to the application of subsection (d), and

“(C) the executor of the decedent’s estate—

“(i) elects the application of this section, and

“(ii) files with the Secretary such endangered species conservation agreement.

“(2) ADJUSTED VALUE.—

“(A) IN GENERAL.—The adjusted value of any real property shall be its value for purposes of this chapter, reduced by—

“(i) any amount deductible under section 2055(f) with respect to the property, and

“(ii) any acquisition indebtedness with respect to the property.

“(B) ACQUISITION INDEBTEDNESS.—For purposes of this paragraph, the term ‘acquisition indebtedness’ means, with respect to any real property, the unpaid amount of—

“(i) the indebtedness incurred by the donor in acquiring such property,

“(ii) the indebtedness incurred before the acquisition of such property if such indebtedness would not have been incurred but for such acquisition,

“(iii) the indebtedness incurred after the acquisition of such property if such indebtedness would not have been incurred but for such acquisition and the incurrence of such indebtedness was reasonably foreseeable at the time of such acquisition, and

“(iv) the extension, renewal, or refinancing of an acquisition indebtedness.

“(c) ENDANGERED SPECIES CONSERVATION AGREEMENT.—For purposes of this section—

“(1) IN GENERAL.—The term ‘endangered species conservation agreement’ means a written agreement entered into with the Secretary of the Interior or the Secretary of Commerce—

“(A) which commits each person who signed such agreement to carry out on the real property activities or practices not otherwise required by law or to refrain from carrying out on such property activities or practices that could otherwise be lawfully carried out and includes—

“(i) objective and measurable species of concern conservation goals,

“(ii) site-specific and other management measures necessary to achieve those goals, and

“(iii) objective and measurable criteria to monitor progress toward those goals,

“(B) which is certified by such Secretary as providing a major contribution to the conservation of a species of concern, and

“(C) which is for a term that such Secretary determines is sufficient to achieve the purposes of the agreement, but not less than 10 years beginning on the date of the decedent’s death.

“(2) SPECIES OF CONCERN.—The term ‘species of concern’ means any species designated by the Secretary of the Interior or the Secretary of Commerce under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq) as endangered or threatened, proposed by such Secretary for designation as endangered or threatened, or identified by such Secretary as a candidate for such designation.

“(3) ANNUAL CERTIFICATION TO THE SECRETARY BY THE SECRETARY OF THE INTERIOR OR THE SECRETARY OF COMMERCE OF THE STATUS OF ENDANGERED SPECIES CONSERVATION AGREEMENTS.—If the executor elects the application of this section, the executor shall promptly give written notice of such election to the Secretary of the Interior or the Secretary of Commerce. The Secretary of the Interior or the Secretary of Commerce shall thereafter annually certify to the Secretary that the endangered species conservation agreement applicable to any property for which such election has been made remains in effect and is being satisfactorily complied with.

“(d) RECAPTURE OF TAX BENEFIT IN CERTAIN CASES.—

“(1) DISPOSITION OF INTEREST OR MATERIAL BREACH.—

“(A) IN GENERAL.—An additional tax in the amount determined under subparagraph (B) shall be imposed on any person on the earlier of—

“(i) the disposition by such person of any interest in property subject to an endangered species conservation agreement (other than a disposition described in subparagraph (C)),

“(ii) a material breach by such person of the endangered species conservation agreement, or

“(iii) the termination of the endangered species conservation agreement.

“(B) AMOUNT OF ADDITIONAL TAX.—

“(i) IN GENERAL.—The amount of the additional tax imposed by subparagraph (A) with respect to any interest shall be an amount equal to the applicable percentage of the lesser of—

“(1) the adjusted tax difference attributable to such interest (within the meaning of section 2032A(c)(2)(B)), or

“(II) the excess of the amount realized with respect to the interest (or, in any case other than a sale or exchange at arm’s length, the fair market value of the interest) over the value of the interest determined under subsection (a).

“(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable percentage is determined in accordance with the following table:

The applicable percentage is—	
If, with respect to the date of the agreement, the date of the event described in subparagraph (A) occurs—	
Before 10 years .....	100
After 9 years and before 20 years ....	75
After 19 years and before 30 years ....	50
After 29 years and before 40 years ...	25
After 39 .....	0.

“(C) EXCEPTION IF CERTAIN HEIRS ASSUME OBLIGATIONS UPON THE DEATH OF A PERSON EXECUTING THE AGREEMENT.—Subparagraph (A)(i) shall not apply if—

“(i) upon the death of a person described in subsection (b)(1)(B) during the term of such agreement, the property subject to such agreement passes to a member of the person’s family, and

“(ii) the member agrees—

“(1) to assume the obligations imposed on such person under the endangered species conservation agreement,

“(II) to assume personal liability for any tax imposed under subparagraph (A) with respect to any future event described in subparagraph (A), and

“(III) to notify the Secretary of the Treasury and the Secretary of the Interior or the Secretary of Commerce that the member has assumed such obligations and liability.

If a member of the person’s family enters into an agreement described in subclauses (I), (II), and (III), such member shall be treated as signatory to the endangered species conservation agreement the person entered into.

“(2) DUE DATE OF ADDITIONAL TAX.—The additional tax imposed by paragraph (1) shall become due and payable on the day that is 6 months after the date of the disposition referred to in paragraph (1)(A)(i) or, in the case of an event described in clause (ii) or (iii) of paragraph (1)(A), on April 15 of the calendar year following any year in which the Secretary of the Interior or the Secretary of Commerce fails to provide the certification required under subsection (c)(3).

“(e) STATUTE OF LIMITATIONS.—If a taxpayer incurs a tax liability pursuant to subsection (d)(1)(A), then—

“(1) the statutory period for the assessment of any additional tax imposed by subsection (d)(1)(A) shall not expire before the expiration of 3 years from the date the Secretary is notified (in such manner as the Secretary may by regulation prescribe) of the incurring of such tax liability, and

“(2) such additional tax may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law that would otherwise prevent such assessment.

“(f) ELECTION AND FILING OF AGREEMENT.—The election under this section shall be made



on the return of the tax imposed by section 2001. Such election, and the filing under subsection (b) of an endangered species conservation agreement, shall be made in such manner as the Secretary shall by regulation provide.

“(g) APPLICATION OF THIS SECTION TO INTERESTS IN PARTNERSHIPS, CORPORATIONS, AND TRUSTS.—This section shall apply to an interest in a partnership, corporation, or trust if at least 30 percent of the entity is owned (directly or indirectly) by the decedent, as determined under the rules described in section 2057(e)(3).

“(h) MEMBER OF FAMILY.—For purposes of this section, the term ‘member of the family’ means any member of the family (as defined in section 2032A(e)(2)) of the decedent.”.

(b) CARRYOVER BASIS.—Section 1014(a)(4) of the Internal Revenue Code of 1986 (relating to basis of property acquired from a decedent) is amended by inserting “or 2058” after “section 2031(c)”.

(c) CLERICAL AMENDMENT.—The table of sections for part IV of subchapter A of chapter 11 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 2058. Certain real property subject to endangered species conservation agreement.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after the date of the enactment of this Act.

**SEC. 204. EXPANSION OF ESTATE TAX EXCLUSION FOR REAL PROPERTY SUBJECT TO QUALIFIED CONSERVATION EASEMENT.**

(a) REPEAL OF CERTAIN RESTRICTIONS ON WHERE LAND IS LOCATED.—Clause (i) of section 2031(c)(8)(A) of the Internal Revenue Code of 1986 (defining land subject to a qualified conservation easement) is amended to read as follows:

“(i) which is located in the United States or any possession of the United States.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after the date of the enactment of this Act.

**ADDITIONAL COSPONSORS**

S. 482

At the request of Mr. ABRAHAM, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 482, a bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on the social security benefits.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Hawaii (Mr. AKAKA), and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 1768

At the request of Mr. ABRAHAM, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S.

1768, a bill to amend the Congressional Budget Act of 1974 to protect Social Security surpluses through strengthened budgetary enforcement mechanisms.

S. 1902

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1902, a bill to require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

S. 1941

At the request of Mr. DODD, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1957

At the request of Mr. SCHUMER, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1957, a bill to provide for the payment of compensation to the families of the Federal employees who were killed in the crash of a United States Air Force CT-43A aircraft on April 3, 1996, near Dubrovnik, Croatia, carrying Secretary of Commerce Ronald H. Brown and 34 others.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2225

At the request of Mr. GRASSLEY, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. 2225, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 2330

At the request of Mr. ROTH, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2337

At the request of Mr. SANTORUM, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 2337, a bill to amend the

Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs.

S. 2505

At the request of Mr. JEFFORDS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2505, a bill to amend title XVIII of the Social Security Act to provide increased access to health care for medical beneficiaries through telemedicine.

S. 2690

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2690, a bill to reduce the risk that innocent persons may be executed, and for other purposes.

S. 2703

At the request of Mr. AKAKA, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2703, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 2725

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2725, a bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

S. 2903

At the request of Mr. ABRAHAM, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2903, a bill to amend the Internal Revenue Code of 1986 to expand the child tax credit.

S. 2967

At the request of Mr. MURKOWSKI, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2967, a bill to amend the Internal Revenue Code of 1986 to facilitate competition in the electric power industry.

S. 3018

At the request of Mr. TORRICELLI, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3018, a bill to amend the Federal Deposit Insurance Act with respect to municipal deposits.

S. 3020

At the request of Mr. GRAMS, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3060

At the request of Mr. WELLSTONE, the names of the Senator from Minnesota

(Mr. GRAMS) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 3060, a bill to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans.

S. 3095

At the request of Mr. KENNEDY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 3095, a bill to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent resident status.

S. 3101

At the request of Mr. ASHCROFT, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3101, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States.

S. 3112

At the request of Mr. ABRAHAM, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3112, a bill to amend title XVIII of the Social Security Act to ensure access to digital mammography through adequate payment under the medicare system.

S. 3114

At the request of Mr. BAUCUS, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 3114, a bill to provide loans for the improvement of telecommunications services on Indian reservations.

S. 3116

At the request of Mr. BREAUX, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 3116, a bill to amend the Harmonized Tariff Schedule of the United States to prevent circumvention of the sugar tariff-rate quotas.

S. 3133

At the request of Mr. BAUCUS, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from North Dakota (Mr. DORGAN), and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 3133, a bill to provide compensation to producers for underestimation of wheat protein content.

S. 3146

At the request of Mr. CAMPBELL, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 3146, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

S. 3147

At the request of Mr. ROBB, the names of the Senator from New Jersey

(Mr. LAUTENBERG), the Senator from Georgia (Mr. CLELAND), the Senator from Minnesota (Mr. GRAMS), and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 3147, a bill to authorize the establishment, on land of the Department of the Interior in the District of Columbia or its environs, of a memorial and gardens in honor and commemoration of Frederick Douglass.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. RES. 359

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. Res. 359, a resolution designating October 16, 2000, to October 20, 2000 as "National Teach For America Week."

AMENDMENT NO. 254

At the request of Mr. ABRAHAM, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of amendment No. 254 proposed to S. 557, an original bill to provide guidance for the designation of emergencies as a part of the budget process.

AMENDMENT NO. 255

At the request of Mr. ABRAHAM, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of amendment No. 255 proposed to S. 557, an original bill to provide guidance for the designation of emergencies as a part of the budget process.

# SENATE CONCURRENT RESOLUTION 114—TO AUTHORIZE THE PRINTING OF COPIES OF THE PUBLICATION ENTITLED "THE UNITED STATES CAPITOL" AS A SENATE DOCUMENT

Mr. MCCONNELL submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 141

*Resolved by the Senate (the House of Representatives concurring).* That (a) a revised edition of the publication entitled "The United States Capitol" (referred to as "the pamphlet") shall be reprinted as a Senate document.

(b) There shall be printed a total of 2,850,000 copies of the pamphlet in English and seven other languages at a cost not to exceed \$165,900 for distribution as follows:

(1)(A) 206,000 copies of the pamphlet in the English language for the use of the Senate with 2,000 copies distributed to each Member;

(B) 886,000 copies of the pamphlet in the English language for the use of the House of Representatives with 2,000 copies distributed to each Member; and

(C) 1,758,000 copies of the pamphlet for distribution to the Capitol Guide Service in the following languages:

(i) 908,000 copies in English;

(ii) 100,000 copies in each of the following seven languages: Spanish, German, French, Russian, Japanese, Italian, and Korean; and

(iii) 150,000 copies in Chinese.

(2) If the total printing and production costs of copies in paragraph (1) exceed \$165,900, such number of copies of the pamphlet as does not exceed total printing and production costs of \$165,900, shall be printed with distribution to be allocated in the same proportion as in paragraph (1) as it relates to numbers of copies in the English language.

## SENATE RESOLUTION 364—COMMENDING SYDNEY, NEW SOUTH WALES, AUSTRALIA FOR ITS SUCCESSFUL CONDUCT OF THE 2000 SUMMER OLYMPIC GAMES AND CONGRATULATING THE UNITED STATES OLYMPIC TEAM FOR ITS OUTSTANDING ACCOMPLISHMENTS AT THOSE OLYMPIC GAMES

Mr. HATCH (for himself, Mr. BENNETT, Mr. STEVENS, Ms. LANDRIEU, Mr. BROWNBACK, Mr. KERRY, Mr. HELMS, and Mr. BINGAMAN) submitted the following resolution; which was ordered placed on the calendar:

S. RES. 364

Commending Sydney, New South Wales, Australia for its successful conduct of the 2000 Summer Olympic Games and congratulating the United States Olympic Team for its outstanding accomplishments at those Olympic Games.

Whereas the city of Sydney, New South Wales, Australia and its residents have hosted a notably successful 2000 Summer Olympic Games;

Whereas the country and citizens of Australia have warmly welcomed visitors and athletes from around the world;

Whereas the ideals of the Olympic movement to promote mutual understanding, friendship, and peace among nations through sport have been clearly displayed during the 2000 Summer Olympic Games;

Whereas the United States Olympic Team has represented the United States with sportsmanship, honor, courage, and excellence; and

Whereas the United States Olympic athletes have competed at the highest level of sport in the 2000 Summer Olympic Games, earning 39 gold medals, 25 silver medals, and 33 bronze medals: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the city of Sydney, New South Wales, Australia for its successful conduct of the 2000 Summer Olympic Games; and

(2) congratulates the United States Olympic Team for its outstanding accomplishments at the 2000 Summer Olympic Games.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the Mayor of Sydney, New South Wales, Australia, and to the United States Olympic Committee.

Mr. HATCH. Mr. President, I rise today to introduce a Senate resolution commending Sydney, Australia on the success of the 2000 Summer Olympic Games and congratulating the U.S. Olympic Team on their outstanding performance.

Once every two years, we have the great opportunity to witness the world's finest athletes display astonishing feats of speed, strength, flexibility and grace. There is no main event quite like the Olympics and the 2000 Summer Olympic Games in Sydney, Australia, left a remarkable impression on all of us over the past several weeks.