

103^D CONGRESS
2^D SESSION

S. 2553

To amend the Endangered Species Act of 1973 to authorize the Secretary of the Interior to enter into cooperative agreements with States and political subdivisions of States to provide assistance for habitat acquisition to carry out conservation plans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 7 (legislative day, SEPTEMBER 12), 1994

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

A BILL

To amend the Endangered Species Act of 1973 to authorize the Secretary of the Interior to enter into cooperative agreements with States and political subdivisions of States to provide assistance for habitat acquisition to carry out conservation plans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Cooperative Planning
5 Assistance Act of 1994”.

1 **SEC. 2. ASSISTANCE FOR HABITAT ACQUISITION.**

2 Section 10 of the Endangered Species Act of 1973
3 (16 U.S.C. 1539) is amended by adding at the end the
4 following new subsection:

5 “(k) ASSISTANCE FOR HABITAT ACQUISITION.—

6 “(1) IN GENERAL.—In accordance with this
7 subsection, the Secretary may enter into a coopera-
8 tive agreement with a State, political subdivision of
9 a State, or group of States or political subdivisions
10 of a State (referred to in this subsection as an ‘en-
11 tity’) to provide assistance for the acquisition of
12 habitat required to carry out a conservation plan ap-
13 proved pursuant to subsection (a)(2), including as-
14 sisting the entity with meeting the requirement of
15 subsection (a)(2)(B)(iii).

16 “(2) COOPERATIVE AGREEMENTS.—

17 “(A) IN GENERAL.—Subject to subpara-
18 graph (B), the Secretary may pay to an entity
19 that is a party to a cooperative agreement
20 under paragraph (1), the full amount of inter-
21 est on—

22 “(i) a loan obtained by the entity;

23 “(ii) a bond issued by the entity; or

24 “(iii) any other debt instrument that
25 the Secretary determines to be appropriate;

1 that is approved by the Secretary before enter-
2 ing into the cooperative agreement.

3 “(B) CONDITIONS FOR ENTERING INTO
4 COOPERATIVE AGREEMENTS.—

5 “(i) IN GENERAL.—Subparagraph (A)
6 shall apply only in the case of a loan, bond,
7 or other debt instrument that is used solely
8 to cover the cost of acquisition of habitat
9 identified in a conservation plan approved
10 by the Secretary pursuant to subsection
11 (a)(2).

12 “(ii) DEMONSTRATION OF ABILITY TO
13 REPAY.—Before entering into a cooperative
14 agreement with the Secretary under this
15 subsection, the entity that is a party to the
16 cooperative agreement shall demonstrate,
17 to the satisfaction of the Secretary, the
18 ability of the entity to repay the amount of
19 principal of the debt incurred through the
20 debt instrument—

21 “(I) in a timely manner; and

22 “(II) from a source, other than
23 the general tax revenue of the entity,
24 that is dedicated to the repayment of
25 the amount of principal of the debt.

1 “(C) FACTORS.—In making a determina-
2 tion whether to enter into a cooperative agree-
3 ment under this subsection, the Secretary may
4 take into consideration—

5 “(i) the number of species for which
6 the approved conservation plan under sub-
7 section (a)(2) was developed;

8 “(ii) the quantity of habitat that will
9 be preserved under the conservation plan;

10 “(iii) the history of the commitment
11 of the entity that intends to enter into a
12 cooperative agreement to conserve habitat;

13 “(iv) the participation of diverse inter-
14 ests, including government, business, envi-
15 ronmental and landowner interests, in the
16 planning process that produced the ap-
17 proved conservation plan;

18 “(v) the amount of funds other than
19 the funds obtained through the debt in-
20 strument under the cooperative agreement
21 that the entity has expended or will expend
22 to set aside and preserve habitat;

23 “(vi) the likelihood of success of the
24 conservation plan; and

1 “(vii) such other factors as the Sec-
2 retary considers to be appropriate.

3 “(3) CONDITIONS DURING COOPERATIVE
4 AGREEMENTS.—

5 “(A) IN GENERAL.—The conditions de-
6 scribed in this paragraph shall apply to a coop-
7 erative agreement entered into under this sub-
8 section.

9 “(B) PAYMENT OF INTEREST.—The sole
10 obligation to be paid by the Secretary pursuant
11 to the cooperative agreement shall be the inter-
12 est on the debt described in paragraph (2). The
13 Secretary shall pay the interest at the time the
14 interest becomes due.

15 “(C) PAYMENT OF PRINCIPAL.—The entity
16 that is a party to the cooperative agreement
17 shall pay the amount of principal of the debt
18 described in paragraph (2) in the manner de-
19 scribed in paragraph (2)(B)(ii).

20 “(D) EFFECT OF DEFAULT ON PAYMENT
21 OF PRINCIPAL.—If the entity that is a party to
22 the cooperative agreement defaults on the pay-
23 ment of an amount of principal of the debt de-
24 scribed in paragraph (2) and the default contin-
25 ues for a period of 2 years or more—

1 “(i) the obligation of the Secretary to
2 pay interest shall terminate; and

3 “(ii) the defaulting entity shall be re-
4 quired to repay the Secretary all interest
5 payments made pursuant to the terms of
6 the cooperative agreement.

7 “(E) CONVEYANCE TO THE UNITED
8 STATES.—On full payment of the debt de-
9 scribed in paragraph (2), and at the request of
10 the Secretary, the habitat purchased by the en-
11 tity with funds obtained through the debt in-
12 strument pursuant to the cooperative agreement
13 shall be conveyed to the United States pursuant
14 to paragraph (4).

15 “(4) CONVEYANCE TO THE SECRETARY.—

16 “(A) RIGHT OF SECRETARY.—The Sec-
17 retary shall have the right to assume ownership
18 of the real property purchased as habitat as de-
19 scribed in paragraph (3)(E) at such time as—

20 “(i) the purchase of habitat financed
21 through a debt instrument that is the sub-
22 ject of a cooperative agreement under this
23 subsection has been carried out; and

24 “(ii) the debt incurred for the pur-
25 chase of the habitat has been paid in full.

1 “(B) TRANSFER.—If the Secretary exer-
2 cises the authority described in subparagraph
3 (A)—

4 “(i) the entity shall transfer title to
5 the property to the Secretary; and

6 “(ii) the use of the property shall be
7 dedicated to the protection of species and
8 the preservation of any wilderness areas of
9 the property.”.

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