

103^D CONGRESS
1ST SESSION

H. R. 305

To establish a national policy for the conservation of biological diversity; to support environmental research and training necessary for conservation and sustainable use of biotic natural resources, to establish mechanisms for carrying out the national policy and for coordinating related activities; and to facilitate the collection, synthesis, and dissemination of information necessary for these purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. PORTER introduced the following bill; which was referred jointly to the Committees on Science, Space, and Technology and Merchant Marine and Fisheries

A BILL

To establish a national policy for the conservation of biological diversity; to support environmental research and training necessary for conservation and sustainable use of biotic natural resources, to establish mechanisms for carrying out the national policy and for coordinating related activities; and to facilitate the collection, synthesis, and dissemination of information necessary for these purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Biological
3 Diversity Conservation and Environmental Research Act”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds that—

6 (1) the Earth’s biological diversity is being re-
7 duced at a rate without precedent in human history;

8 (2) most losses of biological diversity caused by
9 human activity are unintended and largely avoidable;

10 (3) while the most rapid loss of biological diver-
11 sity is occurring outside the United States, it is also
12 a serious problem within this country;

13 (4) reduced biological diversity may have seri-
14 ous consequences for human welfare as resources for
15 research and agricultural, medicinal, and industrial
16 development are irretrievably lost;

17 (5) reduced biological diversity may also endan-
18 ger the functioning of ecosystems and critical eco-
19 system processes that moderate climate, govern nu-
20 trient cycles and soil conservation and production,
21 control pests and diseases, and degrade wastes and
22 pollutants;

23 (6) reduced biological diversity will diminish the
24 raw materials available for scientific and technical
25 advancement, including the development of improved

1 varieties of cultivated plants and domesticated ani-
2 mals;

3 (7) existing information regarding the abun-
4 dance and distribution of biological diversity is inad-
5 equate, often inaccessible, and frequently inapplica-
6 ble to conservation management, thus hampering the
7 efficiency of resource policy and management deci-
8 sions;

9 (8) existing conservation laws focus on the pro-
10 tection of individual species that have already suf-
11 fered declines, rather than emphasizing ecosystem
12 management to sustain diversity across a range of
13 species;

14 (9) existing laws and programs relevant to the
15 loss of biological diversity in the United States are
16 largely uncoordinated and inadequate, and some-
17 times result in duplication of efforts, conflicts in
18 goals, and gaps in geographic and taxonomic cov-
19 erage;

20 (10) a comprehensive and coordinated Federal
21 strategy is needed to arrest the loss of biological di-
22 versity and also, where possible, to restore biological
23 diversity both through natural recovery and active
24 management;

1 (11) increased biological and ecological research
2 is needed to provide the knowledge to maintain bio-
3 logical diversity, to protect and manage ecosystems,
4 and to ensure the sustainable use of natural re-
5 sources; and

6 (12) maintaining biological diversity through
7 habitat preservation is often less costly and more ef-
8 fective than efforts to save species once they become
9 endangered.

10 **SEC. 3. DEFINITIONS.**

11 For purposes of this Act—

12 (1) the term “biological diversity” means the
13 full range of variety and variability within and
14 among living organisms and the ecological complexes
15 in which they occur, and encompasses ecosystem or
16 community diversity, species diversity, and genetic
17 diversity;

18 (2) the terms “conserve”, “conserving”, and
19 “conservation” refer to protective measures for
20 maintaining existing biological diversity and active
21 measures for restoring diversity through manage-
22 ment efforts, in order to protect, restore, and en-
23 hance as much of the variety of native species and
24 communities as possible in abundances and distribu-
25 tions that provide for their continued existence and

1 functioning, including, at a minimum, the viability of
2 existing populations;

3 (3) the term “ecosystem or community diver-
4 sity” means the distinctive assemblages of species
5 and ecological processes that occur in different phys-
6 ical settings of the biosphere and distinct parts of
7 the world;

8 (4) the term “genetic diversity” means the dif-
9 ferences in genetic composition within and among
10 populations of a given species;

11 (5) the term “regional ecosystem” means an
12 area which is sufficiently large that it is capable of
13 sustaining multiple biological communities and asso-
14 ciated species;

15 (6) the term “species diversity” means the rich-
16 ness and variety of native species in a particular lo-
17 cation of the world; and

18 (7) the term “State” means each of the several
19 States, the District of Columbia, the Commonwealth
20 of Puerto Rico, the United States Virgin Islands,
21 Guam, the Commonwealth of the Northern Mariana
22 Islands, American Samoa, and any other common-
23 wealth, territory, or possession of the United States.

24 **SEC. 4. PURPOSES.**

25 It is the purpose of this Act—

1 (1) to conserve biological diversity;

2 (2) to require explicit assessment of effects on
3 biological diversity in all environmental impact state-
4 ments required to be prepared pursuant to the Na-
5 tional Environmental Policy Act of 1969;

6 (3) to establish a Federal strategy for the con-
7 servation of biological diversity;

8 (4) to establish mechanisms for encouraging
9 and coordinating Federal, State, and private efforts
10 to conserve biological diversity and natural environ-
11 ments;

12 (5) to undertake a nationally coordinated effort
13 to collect, synthesize, and disseminate adequate data
14 and information for—

15 (A) the understanding of biological diver-
16 sity;

17 (B) assessing the rate and scale of the de-
18 pletion of biological diversity; and

19 (C) identifying elements of biological diver-
20 sity that are in significant decline or otherwise
21 warrant special attention;

22 (6) to support basic and applied research nec-
23 essary for the conservation of biological diversity;
24 and

1 (7) to promote better understanding of the im-
2 portance of biological diversity and foster actions
3 that prevent biological impoverishment and conserve
4 biological diversity and natural resources.

5 **SEC. 5. NATIONAL BIOLOGICAL DIVERSITY AND ENVIRON-**
6 **MENTAL POLICY.**

7 (a) **POLICY.**—It is the public policy of the United
8 States that conservation of biological diversity is a
9 national goal, and conservation efforts are a national
10 priority.

11 (b) **CONSISTENCY OF FEDERAL ACTION.**—The ac-
12 tions, policies, and programs of all Federal agencies shall
13 be consistent with the goal of conservation of biological
14 diversity, to the maximum extent practicable.

15 (c) **CONSERVATION OF BIOLOGICAL DIVERSITY ON**
16 **FEDERAL LANDS AND WATERS.**—All Federal lands and
17 waters shall be managed to conserve biological diversity
18 within the context of the purposes for which those areas
19 were established.

20 (d) **ENVIRONMENTAL IMPACT STATEMENTS.**—

21 (1) **REGULATIONS.**—Not later than one year
22 after the date of the enactment of this Act, the
23 Council on Environmental Quality shall issue regula-
24 tions which establish requirements for agencies to
25 assess the impacts of Federal agency actions on bio-

1 logical diversity in preparing environmental impact
2 statements under section 102 of the National Envi-
3 ronmental Policy Act of 1969.

4 (2) IDENTIFICATION OF COMMUNITIES, SPE-
5 CIES, AND POPULATIONS IN SIGNIFICANT DE-
6 CLINE.—In preparing the regulations required under
7 paragraph (1), the Council on Environmental Qual-
8 ity shall identify, in consultation with the National
9 Center for Biological Diversity and Conservation Re-
10 search established under section 9 (hereafter in this
11 Act referred to as the “Center”) those biotic com-
12 munities, species, and populations that appear to be
13 in significant decline or in imminent danger of loss
14 of viability, or are otherwise of special concern.

15 (e) AGENCY REVIEW PROCESS.—Each Federal de-
16 partment or agency shall, with the advice and assistance
17 of the Council on Environmental Quality, within one year
18 after the date of the enactment of this Act—

19 (1) review its programs, both individually and
20 cumulatively, for consistency with the conservation
21 of biological diversity in accordance with this Act,
22 paying particular attention to biotic communities,
23 species, and populations identified under subsection
24 (d)(2); and

1 (5) the Department of Defense;

2 (6) the National Oceanic and Atmospheric Ad-
3 ministration;

4 (7) the Environmental Protection Agency;

5 (8) the Department of Energy;

6 (9) the Center;

7 (10) the Council on Environmental Quality; and

8 (11) any other agency or department of the
9 United States that the President, or the Chairman
10 of the Interagency Committee, considers appro-
11 priate.

12 Each such representative shall be designated by the head
13 of the entity named.

14 (c) CHAIRMAN.—The member of the Interagency
15 Committee representing the Council on Environmental
16 Quality shall serve as Chairman of the Interagency Com-
17 mittee.

18 (d) FUNCTION.—The function of the Interagency
19 Committee shall be to prepare a coordinated Federal strat-
20 egy for conservation of biological diversity described in
21 section 8.

22 (e) DISSOLUTION.—The Interagency Committee shall
23 be dissolved after the submission to the Congress of the
24 Federal strategy required under section 8.

1 **SEC. 8. FEDERAL BIOLOGICAL DIVERSITY STRATEGY.**

2 (a) DEVELOPMENT.—The Interagency Committee
3 shall develop a coordinated Federal strategy for the con-
4 servation of biological diversity (hereafter in this Act re-
5 ferred to as the “Strategy”).

6 (b) CONTENTS.—The Strategy shall contain—

7 (1) a coordinated interagency plan for conserv-
8 ing biological diversity in the United States, particu-
9 larly on federally-managed lands, including a specific
10 description of the roles and responsibilities of each
11 agency represented on the Interagency Committee
12 for implementing the plan;

13 (2) the identification of regional ecosystems
14 within the United States, and an interagency plan
15 for coordinating Federal management of such
16 ecosystems for the purpose of conserving biological
17 diversity;

18 (3) a comprehensive set of criteria (including
19 time frames and objective measures) for evaluating
20 the progress of the agencies represented on the
21 Interagency Committee in implementing the Strat-
22 egy;

23 (4) specific management measures to be taken
24 by each agency represented on the Interagency Com-
25 mittee pursuant to plans and criteria developed
26 under paragraphs (1), (2), and (3) with respect to—

1 (A) conservation through protective meas-
2 ures to maintain existing biological diversity,
3 and through active measures to restore biologi-
4 cal diversity;

5 (B) provisions for the long-term viability of
6 ecosystems and ecosystem processes;

7 (C) maintenance of gene pools through a
8 combination of in situ and ex situ techniques;

9 (D) use of demonstration areas, such as
10 biosphere reserves;

11 (E) consistency of policies in inter-
12 national actions of Federal agencies;

13 (F) the identification of priorities for
14 conservation;

15 (G) economic incentives to encourage the
16 conservation of biological diversity;

17 (H) the development of broad-based edu-
18 cation programs on the importance of biological
19 diversity and the necessity of conservation;

20 (I) cooperation and coordination with non-
21 Federal sectors; and

22 (J) training and education of agency per-
23 sonnel in ecological research, monitoring, and
24 systematics; and

1 (5) an interagency plan for conducting research
2 on biological diversity, identifying the roles and re-
3 sponsibilities of each agency represented on the
4 Interagency Committee, other Federal agencies,
5 and the Center, including—

6 (A) the identification of research priorities
7 which affect more than one agency;

8 (B) the development of coordinated re-
9 search programs for the conservation and res-
10 toration of biological diversity;

11 (C) enhancement of scientific knowledge
12 through improved biological surveys;

13 (D) research to identify factors limiting
14 population viability or persistence;

15 (E) improvements of management tech-
16 niques based on scientific knowledge; and

17 (F) the identification of habitats of special
18 concern, and the development of plans to pro-
19 tect those areas.

20 (c) PUBLIC PARTICIPATION.—The public shall be
21 provided with opportunities to participate in the prepara-
22 tion of, and to comment on, the Strategy and any regional
23 ecosystem management plans.

24 (d) REPORTS.—(1) Within two years after the date
25 of the enactment of this Act, the Strategy shall be submit-

1 ted to the President and the Congress by the Chairman
2 of the Interagency Committee.

3 (2) At least once every two years after the submission
4 of a report under paragraph (1), the head of each agency
5 represented on the Interagency Committee shall submit to
6 the Congress a report detailing progress in the implemen-
7 tation of the Strategy, including written comments by the
8 public.

9 **SEC. 9. NATIONAL CENTER FOR BIOLOGICAL DIVERSITY**
10 **AND CONSERVATION RESEARCH.**

11 (a) ESTABLISHMENT AND PURPOSE.—There is es-
12 tablished within the Smithsonian Institution, in coopera-
13 tion with the Environmental Protection Agency, a Na-
14 tional Center for Biological Diversity and Conservation
15 Research (the Center), whose purpose shall be to set re-
16 search priorities, to provide leadership and coordination
17 for the understanding and promotion of knowledge of the
18 biota and the effect of human activities on the biota, and
19 to make this knowledge accessible to the people of the
20 United States and others working to conserve biological
21 diversity throughout the world. The Center shall be ad-
22 ministered by a Director.

23 (b) FUNCTIONS.—The functions of the Center shall
24 be—

1 (1) to summarize and enhance the knowledge of
2 the distribution, status, and characteristics of the
3 biota in a manner that can be used in conserva-
4 tion and management;

5 (2) to prepare, with the assistance of agencies
6 and other sources, lists and, where appropriate,
7 maps of—

8 (A) biotic communities, species, and popu-
9 lations that appear to be in significant decline
10 or in imminent danger of loss of viability, or are
11 otherwise of special concern;

12 (B) areas of outstanding ecological or bi-
13 otic importance; and

14 (C) factors, including ownership status and
15 applicable laws, affecting the protection of such
16 communities, species, and populations;

17 (3) to publish information, such as floral and
18 faunal treatises, resource inventories, vegetation
19 maps, atlases, and guides for practical use of biologi-
20 cal information, and especially publications that syn-
21 thesize information relevant to national goals of un-
22 derstanding and conserving biological diversity;

23 (4) to identify taxonomic groups, ecological
24 communities, and geographical areas in need of
25 study, and to develop a strategic plan for, initiate,

1 and provide financial support toward an ongoing
2 survey of the biota;

3 (5) to provide for the conducting of research,
4 through grants, contracts, or otherwise, by Federal,
5 State, and private agencies, institutions, organiza-
6 tions, and individuals;

7 (6) to provide information useful to the Inter-
8 agency Committee in the preparation of the Strat-
9 egy;

10 (7) to make recommendations to Federal agen-
11 cies and others on the technical management of data
12 collection, storage, and retrieval;

13 (8) to provide training and technical assistance
14 to Federal agencies and others regarding collection
15 and interpretation of biological data; and

16 (9) to raise additional funds as necessary to
17 support the activities of the Center.

18 (c) STRUCTURE AND MEMBERSHIP.—

19 (1) ADVISORY BOARD.—The Center shall have
20 an advisory board, which shall independently assist
21 in setting the policies for and directing the Center.

22 (2) MEMBERSHIP.—(A) The advisory board
23 shall consist of 17 members, including—

24 (i) one representative of the Smithsonian
25 Institution;

1 (ii) one representative of the Fish and
2 Wildlife Service;

3 (iii) one representative of the National
4 Oceanic and Atmospheric Administration;

5 (iv) one representative of the National
6 Park Service;

7 (v) one representative of the Department
8 of Energy;

9 (vi) one representative of the National
10 Science Foundation;

11 (vii) one representative of the Agricultural
12 Research Service;

13 (viii) one representative of the Environ-
14 mental Protection Agency;

15 (ix) one representative of the Forest Serv-
16 ice;

17 (x) one representative of the Bureau of
18 Land Management;

19 (xi) one representative of the Army Corps
20 of Engineers;

21 (xii) one representative of State biological
22 surveys;

23 (xiii) one representative of private organi-
24 zations that maintain large data bases oriented
25 toward biological conservation;

1 (xiv) two scientists from nonprofit research
2 institutions or universities; and

3 (xv) two representatives from institutions
4 with collections of biological specimens.

5 (B) Members listed under clauses (xii) through
6 (xv) of subparagraph (A) shall be appointed by the
7 President from a list of nominees recommended by
8 the National Academy of Sciences.

9 (3) TERMS.—Members of the advisory board
10 shall serve for terms of five years, and may serve
11 more than one term.

12 (4) COMPENSATION OF MEMBERS.—

13 (A) NONGOVERNMENT MEMBERS.—Each
14 member of the advisory board that is not other-
15 wise in the service of the Federal Government
16 shall, to the extent provided for in advance in
17 appropriations Acts, be paid actual travel ex-
18 penses and per diem in lieu of subsistence ex-
19 penses in accordance with section 5703 of title
20 5, United States Code, when such member is
21 away from the member's usual place of resi-
22 dence.

23 (B) GOVERNMENT MEMBERS.—Each mem-
24 ber of the advisory board that is otherwise in
25 the service of the Federal Government shall

1 serve without compensation in addition to that
2 received for such other service, but while en-
3 gaged in the work of the Advisory Board, such
4 member shall, to the extent provided for in ad-
5 vance in appropriations Acts, be paid actual
6 travel expenses, and per diem in lieu of subsist-
7 ence expenses in accordance with subchapter I
8 of chapter 57 of title 5, United States Code,
9 when away from the member's usual place of
10 residence.

11 (5) CHAIRMAN.—The members of the advisory
12 board shall select one member to serve as chairman.

13 (6) FUNDING ARRANGEMENTS.—The Director
14 of the Center shall make appropriate arrangements
15 for necessary administrative and clerical support of
16 the advisory board, in consultation with the chair-
17 man of the advisory board.

18 (7) AUTHORIZATION OF APPROPRIATIONS.—
19 There are authorized to be appropriated to carry out
20 this section \$10,000,000 for fiscal year 1993,
21 \$10,000,000 for fiscal year 1994, and \$10,000,000
22 for fiscal year 1995, to be derived from funds other-
23 wise authorized for the Federal agencies represented
24 on the advisory board, and to remain available until
25 expended as specified in appropriations Acts.

1 **SEC. 10. NATIONAL ACADEMY OF SCIENCES.**

2 The Council on Environmental Quality shall retain
3 the National Academy of Sciences—

4 (1) to provide scientific and technical advice
5 and counsel in the preparation of the Strategy to en-
6 sure that the best possible scientific information is
7 used in developing the Strategy; and

8 (2) to provide a general reference and scientific
9 and technical advisory resource for the Nation in
10 matters relating to conservation of biological diver-
11 sity.

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