

103^D CONGRESS
2^D SESSION

H. R. 5073

To amend the Endangered Species Act of 1973 to ensure that constitutionally protected private property rights are not infringed until adequate protection is afforded by reauthorization of such Act, to protect against and compensate for economic losses from critical habitat designation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 1994

Mr. SMITH of Texas (for himself, Mr. BONILLA, Mr. ARCHER, Mr. ARMEY, Mr. BARTON of Texas, Mr. COMBEST, and Mr. SAM JOHNSON of Texas) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

A BILL

To amend the Endangered Species Act of 1973 to ensure that constitutionally protected private property rights are not infringed until adequate protection is afforded by reauthorization of such Act, to protect against and compensate for economic losses from critical habitat designation, 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 “Farm, Ranch, and
5 Homestead Protection Act of 1994”.

1 **SEC. 2. MORATORIUM ON DETERMINATION OF ENDAN-**
2 **GERED SPECIES AND THREATENED SPECIES**
3 **AND DESIGNATION OF CRITICAL HABITAT.**

4 Section 4(a) of the Endangered Species Act of 1973
5 (16 U.S.C. 1533(a)) is amended by adding at the end the
6 following new paragraph:

7 “(4) MORATORIUM.—Notwithstanding para-
8 graphs (1) and (3), during the period beginning on
9 the date of enactment of this paragraph and ending
10 on the effective date of the first subsequent reau-
11 thorization of this Act, the Secretary may not—

12 “(A) determine that a species is an endan-
13 gered species or a threatened species under
14 paragraph (1); or

15 “(B) designate habitat of a species to be
16 critical habitat under paragraph (3).”.

17 **SEC. 3. COMPENSATION OF LANDOWNERS FOR DESIGNA-**
18 **TION OF CRITICAL HABITAT.**

19 Section 4(a) of the Endangered Species Act of 1973
20 (16 U.S.C. 1533(a)) (as amended by section 2) is further
21 amended by adding at the end the following new para-
22 graph:

23 “(5) COMPENSATION.—If the Secretary des-
24 ignates habitat of a species to be critical habitat
25 under paragraph (3) and if the habitat is located on
26 property that is owned by a person or entity other

1 than the Federal Government, on request of the per-
2 son or entity, the Secretary shall compensate the
3 person or entity for any loss in market value of the
4 land that results from the designation.”.

5 **SEC. 4. AGENCY ACTIONS.**

6 The first sentence of section 7(a)(2) of the Endan-
7 gered Species Act of 1973 (16 U.S.C. 1536(a)(2)) is
8 amended by inserting after “by such agency” the follow-
9 ing: “that results in the expenditure of \$500,000 or
10 more”.

○