

104TH CONGRESS
2D SESSION

H. R. 3862

To amend the Endangered Species Act of 1973 to clarify the intent of Congress and ensure that any person having any economic interest that is directly or indirectly harmed by a designation of critical habitat may bring a citizen's suit under that Act.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 1996

Mrs. CHENOWETH (for herself, Mr. POMBO, Mr. YOUNG of Alaska, Mr. DOOLITTLE, Mr. SMITH of Texas, Mr. CALVERT, Mr. STOCKMAN, Mr. BREWSTER, Mr. COOLEY of Oregon, Mr. STUMP, Mrs. CUBIN, Mr. RADANOVICH, Mr. TAUZIN, Mr. CUNNINGHAM, Mr. BARTLETT of Maryland, Mr. DORNAN, Mr. HASTINGS of Washington, Mrs. VUCANOVICH, Mrs. SEASTRAND, Mr. FIELDS of Texas, Mr. BARTON of Texas, Mr. STENHOLM, Mr. ROHRABACHER, Mr. BAKER of Louisiana, Mr. SOLOMON, Mr. LAUGHLIN, Mr. HUNTER, Mr. HERGER, Mrs. MYRICK, Mr. DICKEY, Mr. CRAPO, Mr. ISTOOK, Mr. MCKEON, Mr. HILLEARY, Mr. BURTON of Indiana, Mr. COMBEST, Mr. FUNDERBURK, Mr. BARR of Georgia, Mr. MCINTOSH, Mr. METCALF, Mr. COX of California, Mr. LUCAS of Oklahoma, Mr. RIGGS, Mr. SAM JOHNSON of Texas, and Mr. HANSEN) introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Endangered Species Act of 1973 to clarify the intent of Congress and ensure that any person having any economic interest that is directly or indirectly harmed by a designation of critical habitat may bring a citizen's suit under that Act.

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 “Citizen’s Fair Hearing
5 Act of 1996”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) The Endangered Species Act of 1973 grants
9 broad regulatory authority to various agencies to
10 take actions to protect, preserve, and recover species
11 of plants and animals determined to be in danger of
12 extinction or threatened with becoming so within the
13 foreseeable future.

14 (2) Recently, private property owners and other
15 persons that have been adversely impacted by Fed-
16 eral agency actions under the Endangered Species
17 Act of 1973 have sought to bring civil actions for re-
18 covery of damages imposed by the Act. The United
19 States Circuit Court of Appeals for the 9th Circuit
20 has found that plaintiffs in those actions do not have
21 standing to bring the suits, because they do not fall
22 into the zone of interests protected by the Endan-
23 gered Species Act of 1973.

1 **SEC. 3. GIVING PERSONS WITH AFFECTED ECONOMIC IN-**
2 **TERESTS EQUAL STANDING TO SUE UNDER**
3 **THE ENDANGERED SPECIES ACT OF 1973.**

4 Section 11(g)(1) of the Endangered Species Act of
5 1973 (16 U.S.C. 1540(g)(1)) is amended by striking so
6 much as precedes subparagraph (A) and inserting the fol-
7 lowing:

8 “(g) CITIZEN SUITS.—(1) Except as provided in
9 paragraph (2), any person that satisfies the requirements
10 of the Constitution and demonstrates having suffered or
11 being threatened with economic or other injury resulting
12 from a violation of the Act or a failure of the Secretary
13 to act in accordance with the Act is deemed to be within
14 the zone of protected interests of this Act and shall have
15 standing to commence a civil suit on his or her own be-
16 half—”.

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