

107TH CONGRESS
2^D SESSION

H. R. 5709

To amend the Endangered Species Act of 1973 to limit the application of that Act with respect to actions on military land or private land and with respect to plants.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 12, 2002

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 limit the application of that Act with respect to actions on military land or private land and with respect to plants.

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 “Life, Liberty, and
5 Property Protection Act”.

1 **SEC. 2. LIMITATION ON APPLICATION OF CONSULTATION**
2 **REQUIREMENTS WITH RESPECT TO ACTION**
3 **ON MILITARY LAND OR PRIVATE LAND.**

4 Section 7(a) of the Endangered Species Act of 1973
5 (16 U.S.C. 1536) is amended by adding at the end the
6 following:

7 “(3) This section does not apply with respect to an
8 agency action that—

9 “(A) is authorized, funded, or carried out by
10 the Department of Defense and that occurs on land
11 that is under the administrative jurisdiction of the
12 Department of Defense; or

13 “(B) occurs on land that is privately owned.”.

14 **SEC. 3. LIMITATION ON APPLICATION OF TAKING PROHIBI-**
15 **TION WITH RESPECT TO ACTION ON MILI-**
16 **TARY LAND OR PRIVATE LAND.**

17 Section 9(a) of the Endangered Species Act of 1973
18 (16 U.S.C. 1538(a)) is amended—

19 (1) in paragraph (1) in the matter preceding
20 subparagraph (A) by inserting “paragraph (3) of
21 this subsection or in” after “Except as provided in”;
22 and

23 (2) by adding at the end the following:

24 “(3) Paragraph (1)(B) does not prohibit any act or
25 omission that occurs on land that is under the administra-

1 tive jurisdiction of the Department of Defense or on land
2 that is privately owned.”.

3 **SEC. 4. TREATMENT OF PLANTS.**

4 (a) LIMITATION ON APPLICATION OF CONSULTATION
5 REQUIREMENT.—Section 7(a) of the Endangered Species
6 Act of 1973 (16 U.S.C. 1536(a)) is further amended by
7 adding at the end the following:

8 “(4) This section does not apply with respect to any
9 plant species.”.

10 (b) REPEAL OF PROHIBITION ON TAKINGS.—Section
11 9(a) of the Endangered Species Act of 1973 (16 U.S.C.
12 1538(a)) is further amended—

13 (1) in the matter preceding subparagraph (A)
14 (as amended by section 3(1) of this Act), by striking
15 “paragraph (3)” and inserting “paragraph (2)”; and
16 (2) by striking paragraph (2) and redesignating
17 paragraph (3) (as added by section 3(2) of this Act)
18 as paragraph (2).

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