

113TH CONGRESS
2D SESSION

H. R. 4319

To amend the Endangered Species Act of 1973 to require the Secretary of the Interior to publish and make available for public comment a draft economic analysis at the time a proposed rule to designate critical habitat is published.

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2014

Mr. CRAWFORD (for himself, Mr. COTTON, Mr. GRIFFIN of Arkansas, and Mr. WOMACK) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Endangered Species Act of 1973 to require the Secretary of the Interior to publish and make available for public comment a draft economic analysis at the time a proposed rule to designate critical habitat is published.

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 “Common Sense in Spe-

5 cies Protection Act of 2014”.

1 **SEC. 2. DRAFT ECONOMIC ANALYSIS FOR CRITICAL HABITAT DESIGNATION.**
2

3 Section 4(b)(2) of the Endangered Species Act of
4 1973 (16 U.S.C. 1533(b)(2)) is amended—

5 (1) in the first sentence, by striking “(2) The
6 Secretary shall” and inserting the following:

7 “(2) CRITICAL HABITAT DESIGNATION.—

8 “(A) IN GENERAL.—The Secretary shall”;

9 (2) in the second sentence, by striking “The
10 Secretary may” and inserting the following:

11 “(B) EXCLUSIONS.—The Secretary shall”;

12 and

13 (3) by adding at the end the following:

14 “(C) DRAFT ECONOMIC ANALYSIS.—

15 “(i) REQUIREMENT.—At the time a
16 proposed rule to designate critical habitat
17 is published, the Secretary shall publish
18 and make available for public comment a
19 draft analysis that—

20 “(I) examines the incremental
21 and cumulative economic effects of all
22 actions to protect the species and its
23 habitat (including the effects of the
24 proposed designation) upon each State
25 and locality that is the subject of, or
26 affected by, the proposed designation;

“(II) includes consideration of public and private economic effects on—

“(aa) possible uses of land and property values;

“(bb) the provision of water, power, or other public services;

“(cc) employment; and

“(dd) revenues available for State and local governments, including a political subdivision of a State that directly or indirectly provides public services, school districts, and any other instrumentality of a State;

“(III) complies with the guidelines issued pursuant to section 515 of the Treasury and General Government Appropriations Act of 2001 (114 Stat. 2763A–153); and

“(IV) assesses such effects on a quantitative and qualitative basis.

“(ii) DETERMINATION FACTORS NOT AFFECTED.—Nothing in clause (i) shall be construed as adding to, subtracting from,

- 1 or otherwise modifying the factors set
- 2 forth in subsection (a)(1) or the bases set
- 3 forth in paragraph (1) of this subsection”.

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