

113TH CONGRESS
2^D SESSION

S. 2729

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 SENATE OF THE UNITED STATES

JULY 31, 2014

Mr. PRYOR (for himself and Mr. BOOZMAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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 “Private Landowner
5 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 IMPACT ANALYSIS.—
15

16 “(i) IN GENERAL.—At the time a pro-
17 posed rule to designate critical habitat for
18 a species is published, the Secretary shall
19 publish and make available for public com-
20 ment an analysis that—

21 “(I) examines the public and pri-
22 vate economic effects of all actions
23 that are related to a critical habitat
24 designation or the protection of the
25 species, including, at a minimum, any
26 effects on—

- 1 “(aa) land use;
- 2 “(bb) property values;
- 3 “(cc) the provision of water,
- 4 power, and other public services;
- 5 “(dd) employment;
- 6 “(ee) revenues available for
- 7 State and local governments, in-
- 8 cluding a political subdivision of
- 9 a State that directly or indirectly
- 10 provides public services, school
- 11 districts, and any other instru-
- 12 mentality of a State; and
- 13 “(ff) authorizations or ap-
- 14 provals necessitating a consulta-
- 15 tion under section 7;
- 16 “(II) is quantitative and quali-
- 17 tative; and
- 18 “(III) examines—
- 19 “(aa) the incremental effects
- 20 of the critical habitat designa-
- 21 tion; and
- 22 “(bb) the cumulative eco-
- 23 nomic effects of both the critical
- 24 habitat designation and the list-

1 ing determination made under
2 subsection (a)(1).

3 “(ii) DETERMINATION FACTORS NOT
4 AFFECTED.—Nothing in clause (i)—

5 “(I) shall affect the determina-
6 tion to list a species under subsection
7 (a)(1); or

8 “(II) adds to or subtracts from,
9 or otherwise modifies, the bases de-
10 scribed in paragraph (1) or the fac-
11 tors described in subsection (a)(1).

12 “(iii) EFFECTIVE DATE.—

13 “(I) IN GENERAL.—Clause (i)
14 shall apply to any critical habitat des-
15 ignation proposed or promulgated on
16 or after October 30, 2013.

17 “(II) REOPENING OF FINALIZED
18 DESIGNATIONS.—Not later than 30
19 days after the date of enactment of
20 this clause, any critical habitat des-
21 ignation finalized on or after October
22 30, 2013, shall be reopened to provide
23 adequate time for compliance with
24 clause (i).”.

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