

114TH CONGRESS
1ST SESSION

H. R. 2098

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

APRIL 29, 2015

Mr. CRAWFORD (for himself, Mr. WOMACK, Mr. WESTERMAN, and Mr. HILL) 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 2015”.

1 **SEC. 2. DRAFT ECONOMIC ANALYSIS FOR CRITICAL HABI-**
2 **TAT DESIGNATION.**

3 (a) IN GENERAL.—Section 4(b)(2) of the Endan-
4 gered Species Act of 1973 (16 U.S.C. 1533(b)(2)) is
5 amended—

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

8 “(2) CRITICAL HABITAT DESIGNATION.—

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

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

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

13 and

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

15 “(C) DRAFT ECONOMIC ANALYSIS.—

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

21 “(I) examines the incremental
22 and cumulative economic effects of all
23 actions to protect the species and its
24 habitat (including the effects of the
25 proposed designation) upon each State

1 and locality that is the subject of, or
2 affected by, the proposed designation;

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

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

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

10 “(cc) employment; and

11 “(dd) revenues available for
12 State and local governments, in-
13 cluding a political subdivision of
14 a State that directly or indirectly
15 provides public services, school
16 districts, and any other instru-
17 mentality of a State;

18 “(III) complies with the guide-
19 lines issued pursuant to section 515 of
20 the Treasury and General Government
21 Appropriations Act of 2001 (114 Stat.
22 2763A–153); and

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

1 “(ii) DETERMINATION FACTORS NOT
2 AFFECTED.—Nothing in clause (i) shall be
3 construed as adding to, subtracting from,
4 or otherwise modifying the factors set
5 forth in subsection (a)(1) or the bases set
6 forth in paragraph (1) of this subsection”.

7 (b) APPLICATION.—

8 (1) IN GENERAL.—The amendments made by
9 subsection (a) shall apply with respect to any des-
10 ignation of critical habitat under such Act on or
11 after August 28, 2013.

12 (2) REPORT.—Not later than 180 days after
13 the date of the enactment of this Act, the Secretary
14 (as that term is defined in such Act) shall submit
15 a report to the Congress describing the effect of
16 paragraph (1).

○