

110TH CONGRESS  
1ST SESSION

# S. 2165

To amend the Endangered Species Act of 1973 to provide for the suspension of each provision of the Act during periods of drought with respect to Federal and State agencies that manage Federal river basins that are located in each region affected by the drought.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 16, 2007

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

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## A BILL

To amend the Endangered Species Act of 1973 to provide for the suspension of each provision of the Act during periods of drought with respect to Federal and State agencies that manage Federal river basins that are located in each region affected by the drought.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SUSPENSION OF PROVISIONS DURING PERIODS**  
 2 **OF DROUGHT WITH RESPECT TO CERTAIN**  
 3 **FEDERAL AND STATE AGENCIES.**

4 Section 10 of the Endangered Species Act of 1973  
 5 (16 U.S.C. 1539) is amended by adding at the end the  
 6 following:

7 “(k) SUSPENSION OF PROVISIONS DURING PERIODS  
 8 OF DROUGHT WITH RESPECT TO CERTAIN FEDERAL AND  
 9 STATE AGENCIES.—

10 “(1) REQUIREMENTS FOR SUSPENSION.—With  
 11 respect to a Federal or State agency that manages  
 12 a Federal river basin, each provision of this Act  
 13 shall be suspended if—

14 “(A) the Secretary of the Army (acting  
 15 through the Chief of Engineers) determines  
 16 that—

17 “(i) a drought is in effect in a region  
 18 in which there is located a Federal river  
 19 basin that is managed by the Federal or  
 20 State agency; and

21 “(ii) the drought described in clause  
 22 (i) presents a threat to the health, safety,  
 23 or welfare of the population that is located  
 24 in the region; or

25 “(B) the Governor of the State (or des-  
 26 ignee) in which a Federal river basin that is

1 managed by the Federal or State agency is lo-  
2 cated determines that—

3 “(i) a drought is in effect in a region  
4 in which there is located a Federal river  
5 basin that is managed by the Federal or  
6 State agency; and

7 “(ii) the drought described in clause  
8 (i) presents a threat to the health, safety,  
9 or welfare of the population that is located  
10 in the region.

11 “(2) TERMINATION OF SUSPENSION.—A tem-  
12 porary suspension of each provision of this Act  
13 under paragraph (1) shall terminate on the date on  
14 which, as appropriate—

15 “(A) the Secretary of the Army (acting  
16 through the Chief of Engineers) determines  
17 that a drought is no longer in effect in the re-  
18 gion in which the relevant Federal river basin  
19 is located; or

20 “(B) the Governor of the State (or des-  
21 ignee) in which the Federal river basin that is  
22 managed by the Federal or State agency is lo-  
23 cated determines that a drought is no longer in

- 1 effect in the region of the State in which the
- 2 relevant Federal river basin is located.”.

