

110TH CONGRESS
2D SESSION

S. 3071

To amend the Endangered Species Act of 1973 to temporarily prohibit the Secretary of the Interior from considering global climate change as a natural or manmade factor in determining whether a species is a threatened or endangered species, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 22, 2008

Mr. BARRASSO 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 temporarily prohibit the Secretary of the Interior from considering global climate change as a natural or manmade factor in determining whether a species is a threatened or endangered species, and for other purposes.

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. REQUIREMENT RELATING TO GLOBAL CLI-**
4 **MATE CHANGE.**

5 (a) FINDINGS.—Congress finds that—

6 (1) without the cooperation of other countries,
7 the United States cannot reverse global climate

1 change to ensure the recovery of species that are
2 listed as threatened or endangered species on the list
3 of threatened species or the list of endangered spe-
4 cies published under section 4(c)(1) of the Endan-
5 gered Species Act of 1973 (16 U.S.C. 1533(c)(1));
6 and

7 (2) the ratification of an international agree-
8 ment by each major carbon emitting country is the
9 likely path towards—

10 (A) reversing global climate change; and

11 (B) ensuring through applicable laws (in-
12 cluding regulations) the recovery of species de-
13 scribed in paragraph (1) that are affected by
14 global climate change.

15 (b) REQUIREMENT RELATING TO GLOBAL CLIMATE
16 CHANGE.—Section 4(a) of the Endangered Species Act of
17 1973 (16 U.S.C. 1533(a)) is amended—

18 (1) in paragraph (1)(E), by inserting “subject
19 to paragraph (4),” before “other natural”; and

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

21 “(4) REQUIREMENT RELATING TO GLOBAL CLI-
22 MATE CHANGE.—

23 “(A) DEFINITIONS.—In this paragraph:

1 “(i) ADMINISTRATOR.—The term ‘Ad-
2 ministrator’ means the Administrator of
3 the Environmental Protection Agency.

4 “(ii) GLOBAL CLIMATE CHANGE.—
5 The term ‘global climate change’ includes
6 any significant increase in—

7 “(I) global air temperatures; or

8 “(II) global sea levels.

9 “(iii) GREENHOUSE GAS.—The term
10 ‘greenhouse gas’ has the meaning given the
11 term in section 1610(a) of the Energy Pol-
12 icy Act of 1992 (42 U.S.C. 13389(a)).

13 “(iv) MAJOR EMITTER OF GREEN-
14 HOUSE GAS.—

15 “(I) IN GENERAL.—The term
16 ‘major emitter of greenhouse gas’
17 means any country that the Adminis-
18 trator determines to be a major emit-
19 ter of greenhouse gas.

20 “(II) INCLUSIONS.—The term
21 ‘major emitter of greenhouse gas’ in-
22 cludes—

23 “(aa) China;

24 “(bb) India; and

25 “(cc) the United States.

1 “(B) DUTIES OF SECRETARY.—

2 “(i) RATIFICATION OF INTER-
3 NATIONAL AGREEMENT.—In determining
4 whether any species is a threatened or en-
5 dangered species under paragraph (1), the
6 Secretary shall not consider global climate
7 change as a natural or manmade factor
8 under paragraph (1)(E) until the date on
9 which the Administrator notifies the Sec-
10 retary that each major emitter of green-
11 house gas has ratified an international
12 agreement to reduce the quantity of green-
13 house gases emitted from each major emit-
14 ter of greenhouse gas.

15 “(ii) COMPLIANCE WITH INTER-
16 NATIONAL AGREEMENT.—

17 “(I) ANNUAL DETERMINA-
18 TIONS.—The Secretary shall, on an
19 annual basis, request the Adminis-
20 trator to determine whether each
21 major emitter of greenhouse gas is in
22 compliance with the international
23 agreement described in clause (i).

24 “(II) EFFECTS.—If the Adminis-
25 trator determines that any major

1 emitter of greenhouse gas is not in
2 compliance with the international
3 agreement described in clause (i) for
4 the period covered by the determina-
5 tion—

6 “(aa) the Secretary shall not
7 consider global climate change as
8 a natural or manmade factor
9 under paragraph (1)(E) until the
10 date on which the Administrator
11 notifies the Secretary that each
12 major emitter of greenhouse gas
13 is in compliance with the inter-
14 national agreement; and

15 “(bb) each species that the
16 Secretary has determined to be a
17 threatened or endangered species
18 under paragraph (1) as the result
19 of global climate change shall not
20 be considered to be a threatened
21 or endangered species until the
22 date described in item (aa).”.

23 (c) EFFECTIVE DATE.—The amendments made by
24 subsection (b) take effect on January 1, 2006.

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