

114TH CONGRESS
1ST SESSION

S. 112

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

JANUARY 7, 2015

Mr. HELLER 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 “Common Sense in Spe-
5 cies Protection Act of 2015”.

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) IN GENERAL.—At the time a pro-
 16 posed rule to designate critical habitat is
 17 published, the Secretary shall publish and
 18 make available for public comment a draft
 19 analysis that—

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

1 the subject of, or affected by, the pro-
2 posed 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 school districts, any polit-
14 ical subdivision of a State that
15 directly or indirectly provides
16 public services, and any other in-
17 strumentality 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, 2001 (Public Law
22 106–554; 114 Stat. 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) adds to,
3 subtracts from, or otherwise modifies the
4 factors set forth in subsection (a)(1) or the
5 bases set forth in paragraph (1) of this
6 subsection.”.

○