S. 724

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

MARCH 26, 2009

Mr. BARRASSO (for himself and Mr. VITTER) 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REQUIREMENT RELATING TO GLOBAL CLIMATE CHANGE.

(a) FINDINGS.—Congress finds that—

(1) without the cooperation of other countries, the United States cannot reverse global climate
change to ensure the recovery of species that are listed as threatened or endangered species on the list of threatened species or the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1)); and

(2) the ratification of an international agreement by each major carbon emitting country is the likely path towards—

(A) reversing global climate change; and

(B) ensuring through applicable laws (including regulations) the recovery of species described in paragraph (1) that are affected by global climate change.

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

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

(2) by adding at the end the following:

“(4) REQUIREMENT RELATING TO GLOBAL CLIMATE CHANGE.—

“(A) DEFINITIONS.—In this paragraph:
“(i) **ADMINISTRATOR.**—The term ‘Administrator’ means the Administrator of the Environmental Protection Agency.

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

“(I) global air temperatures; or

“(II) global sea levels.

“(iii) **GREENHOUSE GAS.**—The term ‘greenhouse gas’ has the meaning given the term in section 1610(a) of the Energy Policy Act of 1992 (42 U.S.C. 13389(a)).

“(iv) **MAJOR EMITTER OF GREENHOUSE GAS.**—

“(I) **IN GENERAL.**—The term ‘major emitter of greenhouse gas’ means any country that the Administrator determines to be a major emitter of greenhouse gas.

“(II) **INCLUSIONS.**—The term ‘major emitter of greenhouse gas’ includes—

“(aa) China;

“(bb) India; and

“(cc) the United States.
“(B) Duties of secretary.—

“(i) Ratification of international agreement.—In determining whether any species is a threatened or endangered species under paragraph (1), the Secretary shall not consider global climate change as a natural or manmade factor under paragraph (1)(E) until the date on which the Administrator notifies the Secretary that each major emitter of greenhouse gas has ratified an international agreement to reduce the quantity of greenhouse gases emitted from each major emitter of greenhouse gas.

“(ii) Compliance with international agreement.—

“(I) Annual determinations.—The Secretary shall, on an annual basis, request the Administrator to determine whether each major emitter of greenhouse gas is in compliance with the international agreement described in clause (i).

“(II) Effects.—If the Administrator determines that any major
emitter of greenhouse gas is not in compliance with the international agreement described in clause (i) for the period covered by the determination—

“(aa) the Secretary shall not consider global climate change as a natural or manmade factor under paragraph (1)(E) until the date on which the Administrator notifies the Secretary that each major emitter of greenhouse gas is in compliance with the international agreement; and

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

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