To terminate certain rules issued by the Secretary of the Interior and the Secretary of Commerce relating to endangered and threatened species, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. Udall (for himself, Mr. Blumenthal, Mr. Booker, Mrs. Feinstein, Ms. Cantwell, Mr. Merkley, Ms. Hirono, Ms. Harris, Mr. Sanders, and Mr. Menendez) introduced the following bill; which was read twice and referred to the Committee on ________________

A BILL

To terminate certain rules issued by the Secretary of the Interior and the Secretary of Commerce relating to endangered and threatened 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. SHORT TITLE.

This Act may be cited as the “Protect America’s Wildlife and Fish in Need of Conservation Act of 2019”.

SEC. 2. FINDINGS.

Congress finds that—
(1) global wildlife populations have fallen by 60 percent over 4 decades due to habitat loss, pollution, deforestation, climate change, and other anthropogenic factors;

(2) current rates of species extinction are up to 1,000 times greater than the natural rate of extinction; and

(3) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) is one of the most popular and successful environmental laws of the United States.

SEC. 3. TERMINATION OF REGULATIONS RELATING TO EN-
DANGERED AND THREATENED SPECIES AND
RESTORATION OF PRIOR REGULATIONS.

(a) IN GENERAL.—The amendments to parts 17, 402, and 424 of title 50, Code of Federal Regulations, made by the following final rules are void:

(1) The final rule promulgated by the Secretary of the Interior entitled “Endangered and Threatened Wildlife and Plants; Regulations for Prohibitions to Threatened Wildlife and Plants” (84 Fed. Reg. 44753 (August 27, 2019)).

(2) The final rule promulgated by the Secretary of the Interior and the Secretary of Commerce enti-
Plants; Regulations for Interagency Cooperation” (84 Fed. Reg. 44976 (August 27, 2019)).

(3) The final rule promulgated by the Secretary of the Interior and the Secretary of Commerce entitled “Endangered and Threatened Wildlife and Plants; Regulations for Listing Species and Designating Critical Habitat” (84 Fed. Reg. 45020 (August 27, 2019)).

(b) Effectiveness.—Parts 17, 402, and 424 of title 50, Code of Federal Regulations, shall be in effect as if the amendments voided under subsection (a) had not been made.

(c) Promulgation of New Rules.—Any rule proposed by the Secretary of the Interior or the Secretary of Commerce after the date of enactment of this Act to amend part 17, 402, or 424 of title 50, Code of Federal Regulations (other than any rule that is necessary to carry out subsections (a) and (b))—

(1) shall analyze and incorporate the impacts of climate change, including long-term impacts, on—

(A) species listed as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and species that are candidates to be so listed; and
(B) the habitats of species described in subparagraph (A);

(2) may analyze and incorporate alternatives for providing automatic protections under section 9(a) of the Endangered Species Act of 1973 (16 U.S.C. 1538(a)) in the case of species listed as threatened species under that Act (16 U.S.C. 1531 et seq.); and

(3) may not—

(A) analyze or incorporate any positive or negative economic impacts associated with the decision of whether to list a species as a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) limit the authority of the Secretary of the Interior or the Secretary of Commerce to consider the impacts of climate change, including the long-term impacts; or

(C) interfere in any manner with the best available science.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) Congress recognizes the potential benefit of clarifying inconsistencies in—
(A) the past practices of the United States Fish and Wildlife Service and the National Marine Fisheries Service under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(B) interpretations by those agencies of regulations under that Act, especially under section 7 of that Act (16 U.S.C. 1536); and

(2) Congress acknowledges the importance of providing incentives for landowners to conserve species, especially by rewarding the landowners for—

(A) helping to prevent the need to add species to the list of threatened species or endangered species under that Act (16 U.S.C. 1531 et seq.); and

(B) successfully conserving species listed as endangered species under that Act to the point that the species can be downlisted to the list of threatened species under that Act.