

AMENDMENT TO H.R. 2, AS REPORTED
OFFERED BY MR. MARSHALL OF KANSAS

In title XI, at the end of subtitle F add the following:

1 **SEC. ____ . LIMITATIONS ON PETITIONS TO LIST THE LESS-**
2 **ER PRAIRIE-CHICKEN.**

3 (a) LIMITATIONS DURING 3-YEAR PERIOD.—

4 (1) IN GENERAL.—During the 3-year period be-
5 ginning on the date of enactment of this Act, the
6 Secretary of the Interior may not issue a positive
7 finding under section 4(b)(3) of the Endangered
8 Species Act of 1973 (16 U.S.C. 1533 (b)(3)) for any
9 petition to list the lesser prairie-chicken
10 (*Tympanuchus pallidicinctus*).

11 (2) JUDICIAL REVIEW.—For any petition under
12 section 4(b)(3) of the Endangered Species Act of
13 1973 (16 U.S.C. 1533(b)(3)) to list the lesser prai-
14 rie-chicken (*Tympanuchus pallidicinctus*) that is re-
15 ceived by the Secretary before the end of the period
16 referred to in paragraph (1) of this subsection, judi-
17 cial review shall not be permitted—

1 (A) on the basis that the Secretary of Inte-
2 rior has failed to make a finding under such
3 section; or

4 (B) on the basis of a negative finding by
5 the Secretary under section 4(b)(3)(B)(i) of
6 such Act (16 U.S.C. 1533 (b)(3)(B)(i)).

7 (3) EMERGENCY REGULATIONS.—During the
8 period referred to in paragraph (1), the Secretary of
9 the Interior may not issue any emergency regulation
10 under section 4(b)(7) of the Endangered Species Act
11 of 1973 (16 U.S.C. 1533(b)(7) for the lesser prairie-
12 chicken (*Tympanuchus pallidicinctus*).

13 (b) LIMITATIONS AFTER 3-YEAR PERIOD.—

14 (1) IN GENERAL.—After the expiration of the
15 period referred to in subsection (a)(1), the Secretary
16 of the Interior may not issue a positive finding
17 under section (4)(b)(3) of the Endangered Species
18 Act of 1973 (16 U.S.C. 1533(b)(3)) for any petition
19 to list the lesser prairie-chicken (*Tympanuchus*
20 *pallidicinctus*) unless the Secretary publishes a de-
21 termination, based on the best available science, that
22 conservation (as that term is used in that Act)
23 under the Range-Wide Plan and the agreements,
24 programs, and efforts undertaken as part of such
25 conservation, including Candidate Conservation

1 Agreements, Candidate and Conservation Agree-
2 ments With Assurances, other Federal conservation
3 programs, State conservation programs, and private
4 conservation efforts, have not achieved the conserva-
5 tion goals established by the Range-Wide Plan.

6 (2) CONSULTATION.—In making the determina-
7 tion referred to in paragraph (1), the Secretary shall
8 consult all persons that participate in lesser prairie-
9 chicken conservation activities, programs, agree-
10 ments, or efforts and solicit from such persons rel-
11 evant scientific and commercial information related
12 to the conservation measures undertaken and the
13 outcomes of such conservation.

14 (c) DEFINITIONS.—In this section:

15 (1) CANDIDATE CONSERVATION AGREE-
16 MENTS.—Each of the terms “Candidate Conserva-
17 tion Agreement” and “Candidate and Conservation
18 Agreement With Assurances” have the meaning
19 given that term in—

20 (A) the announcement of the Department
21 of the Interior and the Department of Com-
22 merce entitled “Announcement of Final Policy
23 for Candidate Conservation Agreements with
24 Assurances” (64 Fed. Reg. 32726 (June 17,
25 1999)); and

1 (B) sections 17.22(d) and 17.32(d) of title
2 50, Code of Federal Regulations (as in effect on
3 the date of enactment of this Act).

4 (2) RANGE-WIDE PLAN.—The term “Range-
5 Wide Plan’” means the Lesser Prairie-Chicken
6 Range-Wide Conservation Plan of the Western Asso-
7 ciation of Fish and Wildlife Agencies, as endorsed by
8 the United States Fish and Wildlife Service on Octo-
9 ber 23, 2013, and published for comment on Janu-
10 ary 29, 2014 (79 Fed. Reg. 4652).

