AMENDMENT TO RULES COMMITTEE PRINT 117–47

OFFERED BY MR. STAUBER OF MINNESOTA

Add at the end the following new title:

TITLE IV—PROTECTIVE REGULATIONS FOR ENDANGERED SPECIES

SEC. 401. PROTECTIVE REGULATIONS FOR ENDANGERED SPECIES.

(a) PROTECTIVE REGULATIONS.—Section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533(d)) is amended to read as follows:

“(d) PROTECTIVE REGULATIONS.—

“(1) THREATENED SPECIES.—Whenever any species is listed as a threatened species pursuant to subsection (c), the Secretary shall issue such regulations as the Secretary deems necessary and advisable to provide for the conservation of such species.

“(2) ENDANGERED SPECIES.—Whenever any species is listed as an endangered species pursuant to subsection (c), the Secretary may issue such regulations as the Secretary deems necessary and advisable to provide for the conservation of such species.
“(3) Prohibition on certain activities.—Except as provided in paragraph (4), the Secretary may, by regulation issued under this subsection, prohibit with respect to any threatened or endangered species any act prohibited under section 9(a)(1), in the case of fish or wildlife, or section 9(a)(2) in the case of plants.

“(4) Exception.—Regulations described by paragraph (3) shall apply in any State which has entered into a cooperative agreement pursuant to section 6(c) only to the extent that such regulations have also been adopted by such State.”.

(b) Exception to prohibited acts.—Paragraphs (1) and (2) of section 9(a) of such Act (15 U.S.C. 1538(a)(1) and (2)) are each amended by inserting “by regulations issued under section 4(d) or” after “as provided”.

□