

108TH CONGRESS
1ST SESSION

H. R. 1965

To amend the Endangered Species Act of 1973 to limit the application of that Act with respect to actions on military land or private land and to provide incentives for voluntary habitat maintenance, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 6, 2003

Mr. GIBBONS introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Endangered Species Act of 1973 to limit the application of that Act with respect to actions on military land or private land and to provide incentives for voluntary habitat maintenance, and for other purposes.

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 “Property Protection
5 and Encouragement Act”.

1 **SEC. 2. LIMITATION ON APPLICATION OF CONSULTATION**
2 **REQUIREMENTS WITH RESPECT TO ACTION**
3 **ON MILITARY LAND OR PRIVATE LAND.**

4 Section 7(a) of the Endangered Species Act of 1973
5 (16 U.S.C. 1536) is amended by adding at the end the
6 following:

7 “(5) This section does not apply with respect to
8 an agency action that—

9 “(A) is authorized, funded, or carried out
10 by the Department of Defense and that occurs
11 on land that is under the administrative juris-
12 diction of the Department of Defense; or

13 “(B) occurs on land that is privately
14 owned.”.

15 **SEC. 3. LIMITATION ON APPLICATION OF TAKING PROHIBI-**
16 **TION WITH RESPECT TO ACTION ON MILI-**
17 **TARY LAND OR PRIVATE LAND.**

18 Section 9(a) of the Endangered Species Act of 1973
19 (16 U.S.C. 1538(a)) is amended—

20 (1) in paragraph (1) in the matter preceding
21 subparagraph (A) by inserting “paragraph (3) of
22 this subsection or in” after “Except as provided in”;
23 and

24 (2) by adding at the end the following:

25 “(3) Paragraph (1)(B) does not prohibit any
26 act or omission that occurs on land that is under the

1 administrative jurisdiction of the Department of De-
2 fense or on land that is privately owned.”.

3 **SEC. 4. VOLUNTARY HABITAT MAINTENANCE PROGRAM.**

4 Notwithstanding any other provision of law, the Sec-
5 retary of the Interior shall create a voluntary program to
6 use funds transferred under section 2507 of the Farm Se-
7 curity and Rural Investment Act of 2002 (Public Law
8 107–171; 116 Stat. 275; 43 U.S.C. 2211 note), to make
9 payments to private land owners whose property right or
10 water right has or is a habitat for a threatened or endan-
11 gered species and who voluntarily elect to enroll into the
12 program in order to maintain habitat for a threatened spe-
13 cies or endangered species. The Secretary shall make pay-
14 ments under this section to be determined by the Sec-
15 retary to each private land owner whose property right or
16 water right has or is a habitat for a threatened or endan-
17 gered species and who has voluntarily elected to enroll into
18 the program created by the Secretary. The Secretary shall
19 issue regulations implementing this program no later than
20 90 days after the date of enactment of this Act.

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