

118TH CONGRESS
2D SESSION

S. 3963

To clarify that noncommercial species found entirely within the borders of a single State are not in interstate commerce or subject to regulation under the Endangered Species Act of 1973 or any other provision of law enacted as an exercise of the power of Congress to regulate interstate commerce.

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2024

Mr. LEE (for himself, Mr. CRUZ, and Mr. SULLIVAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To clarify that noncommercial species found entirely within the borders of a single State are not in interstate commerce or subject to regulation under the Endangered Species Act of 1973 or any other provision of law enacted as an exercise of the power of Congress to regulate interstate commerce.

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 “Native Species Protec-
5 tion Act”.

1 **SEC. 2. TREATMENT OF INTRASTATE SPECIES.**

2 (a) DEFINITION OF INTRASTATE SPECIES.—In this
3 section, the term “intrastate species” means any species
4 of plant or fish or wildlife (as those terms are defined in
5 section 3 of the Endangered Species Act of 1973 (16
6 U.S.C. 1532)) that is—

7 (1) found entirely within the borders of a single
8 State; and

9 (2) not part of a national market for any com-
10 modity.

11 (b) TREATMENT.—An intrastate species shall not
12 be—

13 (1) considered to be in interstate commerce;
14 and

15 (2) subject to regulation under—

16 (A) the Endangered Species Act of 1973
17 (16 U.S.C. 1531 et seq.); or

18 (B) any other provision of law under which
19 regulatory authority is based on the power of
20 Congress to regulate interstate commerce as
21 enumerated in article I, section 8, clause 3 of
22 the Constitution of the United States.

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