

116TH CONGRESS
2D SESSION

H. R. 5585

To amend the Endangered Species Act of 1973 to require review of the economic cost of adding a species to the list of endangered species or threatened species, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 13, 2020

Mr. OLSON (for himself, Mr. GOSAR, Mr. WEBER of Texas, Mr. NEWHOUSE, Mr. BABIN, Mr. BIGGS, Mr. GIANFORTE, Mr. CRAWFORD, and Ms. CHENEY) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Endangered Species Act of 1973 to require review of the economic cost of adding a species to the list of endangered species or threatened species, 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 “Listing Reform Act”.

1 **SEC. 2. CONSIDERATION OF ECONOMIC COST IN REVIEW**
2 **OF LISTING PETITIONS UNDER ENDANGERED**
3 **SPECIES ACT OF 1973.**

4 (a) CONSIDERATION REQUIRED.—Section 4(b)(3) of
5 the Endangered Species Act of 1973 (16 U.S.C.
6 1533(b)(3)) is amended—

7 (1) in subparagraph (A)—

8 (A) by striking “To the maximum extent
9 practicable, within 90 days after” and inserting
10 “(i) After”; and

11 (B) by adding at the end the following:

12 “(ii) The Secretary may prioritize the consideration
13 of petitions under this subparagraph other than in the
14 order in which the petitions are received, except the Sec-
15 retary may not give general priority to petitions to add
16 species to such a list over petitions to remove a species
17 from such a list.”;

18 (2) in subparagraph (B)—

19 (A) in the matter preceding clause (i), by
20 striking “Within 12 months” and inserting “As
21 expeditiously as practicable”.

22 (b) CONSIDERATION OF SIGNIFICANT, CUMULATIVE
23 ECONOMIC EFFECTS.—

24 (1) IN GENERAL.—Section 4(b)(3)(B) of the
25 Endangered Species Act of 1973 (16 U.S.C.

1 1533(b)(3)(B)) is amended by adding at the end the
2 following:

3 “(iv)(I) In the case of a petition to add a spe-
4 cies to a list of threatened species, the petitioned ac-
5 tion may be warranted but is precluded due to the
6 likelihood of significant, cumulative economic effects
7 that would result from listing or, to the extent it can
8 be determined, from the likely resulting designation
9 of critical habitat of the species.

10 “(II) The Secretary may not reconsider such
11 finding unless—

12 “(aa) the Secretary determines there is
13 endangerment of extinction of the species; or

14 “(bb) the Secretary receives a new petition
15 to add such species to such list that includes a
16 written qualitative and quantitative analyses re-
17 examining the incremental and significant, cu-
18 mulative economic effects of likely actions to
19 protect the petitioned species and its potential
20 habitat upon each State and locality that is af-
21 fected by the petitioned species listing and that,
22 in the opinion of the Secretary, credibly con-
23 cludes that alternative actions are possible
24 other than those resulting in significant, cumu-
25 lative economic effects.

1 “(III) In this clause the term ‘significant, cu-
2 mulative economic effects’ includes economic effects
3 on—

4 “(aa) public land and, to the maximum ex-
5 tent practicable, private land and property val-
6 ues;

7 “(bb) the provision of water, power, or
8 other public services;

9 “(cc) employment; and

10 “(dd) revenues available for State and
11 local governments.”.

12 (2) CONFORMING AMENDMENT.—Section
13 4(b)(1) of the Endangered Species Act of 1973 (16
14 U.S.C. 1533(b)(1)) is amended by inserting “(except
15 as provided in clause (iv) of paragraph (3)(B))”
16 after “solely”.

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