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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

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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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Listing Reform Act''.

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

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

(1) in subparagraph (A)—

(A) by striking ''To the maximum extent practicable, within 90 days after'' and inserting ''(i) After''; and

(B) by adding at the end the following:

''(ii) The Secretary may prioritize the consideration of petitions under this subparagraph other than in the order in which the petitions are received, except the Secretary may not give general priority to petitions to add species to such a list over petitions to remove a species from such a list.'';

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by striking ''Within 12 months'' and inserting ''As expeditiously as practicable''.

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

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

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

''(iv)(I) In the case of a petition to add a species to a list of threatened species, the petitioned action may be warranted but is precluded due to the likelihood of significant, cumulative economic effects that would result from listing or, to the extent it can be determined, from the likely resulting designation of critical habitat of the species.

''(II) The Secretary may not reconsider such finding unless—

''(aa) the Secretary determines there is endangerment of extinction of the species; or

''(bb) the Secretary receives a new petition to add such species to such list that includes a written qualitative and quantitative analyses reexamining the incremental and significant, cumulative economic effects of likely actions to protect the petitioned species and its potential habitat upon each State and locality that is affected by the petitioned species listing and that, in the opinion of the Secretary, credibly concludes that alternative actions are possible other than those resulting in significant, cumulative economic effects.

''(III) In this clause the term 'significant, cumulative economic effects' includes economic effects on—

''(aa) public land and, to the maximum extent practicable, private land and property values;

''(bb) the provision of water, power, or other public services;

''(cc) employment; and

''(dd) revenues available for State and local governments.''.

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

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