

Union Calendar No. 421

115TH CONGRESS
2D SESSION

H. R. 717

[Report No. 115–560]

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 27, 2017

Mr. OLSON (for himself, Mr. BURGESS, Mr. GOHMERT, and Mr. BABIN) introduced the following bill; which was referred to the Committee on Natural Resources

FEBRUARY 15, 2018

Additional sponsors: Mr. GOSAR, Mr. GIANFORTE, and Mr. SESSIONS

FEBRUARY 15, 2018

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

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”.

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

8 (a) CONSIDERATION REQUIRED.—Section 4(b)(3) of
9 the Endangered Species Act of 1973 (16 U.S.C.
10 1533(b)(3)) is amended—

11 (1) in subparagraph (A)—

12 (A) by striking “To the maximum extent
13 practicable, within 90 days after” and inserting
14 “(i) After”; and

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

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

22 (2) in subparagraph (B)—

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

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

3 (1) IN GENERAL.—Section 4(b)(3)(B) of the
4 Endangered Species Act of 1973 (16 U.S.C.
5 1533(b)(3)(B)) is amended by adding at the end the
6 following:

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

14 “(II) The Secretary may not reconsider such
15 finding unless—

16 “(aa) the Secretary determines there is
17 endangerment of extinction of the species; or

18 “(bb) the Secretary receives a new petition
19 to add such species to such list that includes a
20 written qualitative and quantitative analyses re-
21 examining the incremental and significant, cu-
22 mulative economic effects of likely actions to
23 protect the petitioned species and its potential
24 habitat upon each State and locality that is af-
25 fected by the petitioned species listing and that,

1 in the opinion of the Secretary, credibly con-
2 cludes that alternative actions are possible
3 other than those resulting in significant, cumu-
4 lative economic effects.

5 “(III) In this clause the term ‘significant, cu-
6 mulative economic effects’ includes economic effects
7 on—

8 “(aa) public land and, to the maximum ex-
9 tent practicable, private land and property val-
10 ues;

11 “(bb) the provision of water, power, or
12 other public services;

13 “(cc) employment; and

14 “(dd) revenues available for State and
15 local governments.”.

16 (2) CONFORMING AMENDMENT.—Section
17 4(b)(1) of the Endangered Species Act of 1973 (16
18 U.S.C. 1533(b)(1)) is amended by inserting “(except
19 as provided in clause (iv) of paragraph (3)(B))”
20 after “solely”.

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