

117TH CONGRESS  
1ST SESSION

# H. R. 4370

To require further consideration of economic cost in review of listing petitions under the Endangered Species Act of 1973, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 6, 2021

Mr. PFLUGER (for himself, Mr. NEWHOUSE, Mr. BURGESS, Mr. ROUZER, Ms. HERRELL, Mr. MANN, and Ms. CHENEY) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To require further consideration of economic cost in review of listing petitions under the Endangered Species Act of 1973, 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 THE ENDAN-**  
7 **GERED SPECIES ACT OF 1973.**

8 (a) CONSIDERATION OF SIGNIFICANT, CUMULATIVE  
9 ECONOMIC EFFECTS REQUIRED.—Section 4(b)(3) of the

1 Endangered Species Act of 1973 (16 U.S.C. 1533(b)(3))

2 is amended—

3 (1) in subparagraph (A)—

4 (A) by striking “To the maximum extent  
5 practicable, within 90 days after” and inserting  
6 “(i) After”; and

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

8 “(ii) The Secretary may prioritize the consider-  
9 ation of petitions under this subparagraph other  
10 than in the order in which the petitions are received,  
11 except the Secretary may not give general priority to  
12 petitions to add species to such a list over petitions  
13 to remove a species from such a list.”; and

14 (2) in subparagraph (B)—

15 (A) in the matter preceding clause (i), by  
16 striking “Within 12 months” and inserting “As  
17 expeditiously as practicable”; and

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

19 “(iv)(I) In the case of a petition to add a  
20 species to a list of threatened species, the peti-  
21 tioned action may be warranted but is pre-  
22 cluded due to the likelihood of significant, cu-  
23 mulative economic effects that would result  
24 from listing or, to the extent it can be deter-  
25 mined, from the likely resulting designation of

critical habitat of the species. The Secretary  
may not reconsider such finding unless—

“(aa) the Secretary determines there  
is endangerment of extinction of the spe-  
cies; or

“(bb) the Secretary receives a new pe-  
tition to add such species to such list that  
includes a written qualitative and quan-  
titative analyses reexamining the incre-  
mental and significant, cumulative eco-  
nomic 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.

“(II) In this clause the term ‘significant,  
cumulative economic effects’ includes economic  
effects on—

“(aa) public land and, to the max-  
imum extent practicable, private land and  
property values;

1 “(bb) the provision of water, power, or  
2 other public services;  
3 “(cc) employment; and  
4 “(dd) revenues available for State and  
5 local governments.”.

6 (b) CONFORMING AMENDMENT.—Section 4(b)(1) of  
7 the Endangered Species Act of 1973 (16 U.S.C.  
8 1533(b)(1)) is amended by inserting “(except as provided  
9 in clause (iv) of paragraph (3)(B))” after “solely”.

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