

115TH CONGRESS  
1ST SESSION

# H. R. 717

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.

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## 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

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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.

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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