

118TH CONGRESS
1ST SESSION

H. R. 1142

To amend the Endangered Species Act of 1973 to require consideration of economic impact in making a listing decision with respect to the list of threatened and endangered species, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 21, 2023

Mr. PFLUGER (for himself, Mr. MCCLINTOCK, and Mr. STEUBE) 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 consideration of economic impact in making a listing decision with respect to the list of threatened and endangered 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. ENDANGERED SPECIES REFORM.**

4 (a) CONSIDERATION OF ECONOMIC IMPACT.—Section
5 4(a) of the Endangered Species Act of 1973 (16 U.S.C.
6 1533(a)) is amended—

1 (1) In paragraph (1), by striking “The Sec-
2 retary” and inserting “Except as provided in para-
3 graph (4), the Secretary”; and

4 (2) by adding at the end the following:

5 “(4) CONSIDERATION OF ECONOMIC IMPACT.—

6 “(A) IN GENERAL.—The Secretary may
7 not make a determination under paragraph (1)
8 if such determination, or any action required as
9 a result of such determination, would cause sig-
10 nificant economic harm to any State or locality.

11 “(B) SIGNIFICANT ECONOMIC HARM.—The
12 term ‘significant economic harm’ means signifi-
13 cant economic harm determined by considering
14 the cumulative economic effects on—

15 “(i) public land and, to the maximum
16 extent practicable, private land and prop-
17 erty values;

18 “(ii) the provision of water, power, or
19 other public services;

20 “(iii) employment; and

21 “(iv) revenues available for State and
22 local governments.”.

23 (b) CONSIDERATION OF SIGNIFICANT, CUMULATIVE
24 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 con-
9 sideration of petitions under this subparagraph
10 in such manner as the Secretary determines ap-
11 propriate, except the Secretary may not give
12 general priority to petitions to add species to
13 such a list over petitions to remove a species
14 from such a list.”; and

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

16 “(E) The Secretary shall, not later than
17 30 days after failing to meet the requirements
18 of subparagraph (B) within 12 months with re-
19 spect to a petition to which such subparagraph
20 applies, submit a report to Congress—

21 “(i) identifying the petition; and

22 “(ii) explaining why the Secretary did
23 not meet the deadline described in sub-

1 paragraph (B) with respect to such peti-
2 tion.”.

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