

118TH CONGRESS
1ST SESSION

H. R. 4997

To provide for determination of the grizzly bear species consistent with the Endangered Species Act of 1973, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2023

Mr. FULCHER introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To provide for determination of the grizzly bear species consistent with 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 “Grizzly Bear Review
5 and Resource Restart Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the entity of grizzly bear (*Ursus arctos*
9 *horribilis*) in the conterminous lower 48 States of
10 the United States, included on the List of Endan-

1 gered and Threatened Wildlife under section
2 17.11(h) of title 50, Code of Federal Regulations (or
3 a successor regulation), is not a species (as defined
4 in section 3 of the Endangered Species Act of 1973
5 (16 U.S.C. 1532)), a threatened species (as defined
6 in that section), an endangered species (as defined
7 in that section), a taxonomic species, a taxonomic
8 subspecies, or a distinct population segment that
9 interbreeds when mature, and should not be subject
10 to the protections of the Endangered Species Act of
11 1973 (16 U.S.C. 1531 et seq.);

12 (2) removal of protections for the entity of griz-
13 zly bear (*Ursus arctos horribilis*) in the
14 conterminous lower 48 States of the United States
15 under the Endangered Species Act of 1973 (16
16 U.S.C. 1531 et seq.), when those protections are in-
17 consistent with that Act or otherwise unnecessary,
18 supports prioritization of Federal conservation ac-
19 tions and resources for species in much greater need
20 of protections under that Act; and

21 (3) continuing protections under the Endan-
22 gered Species Act of 1973 (16 U.S.C. 1531 et seq.)
23 for the entity of grizzly bear (*Ursus arctos*
24 *horribilis*) in the conterminous lower 48 States of
25 the United States to not later than the date that is

1 2 years after the date of enactment of this Act pro-
2 vides adequate time for the Secretary of the Interior
3 (referred to in this Act as the “Secretary”) to deter-
4 mine, by regulation promulgated in accordance with
5 section 4(a) of that Act (16 U.S.C. 1533(a)), wheth-
6 er any distinct population segment of grizzly bear
7 that interbreeds when mature is an endangered spe-
8 cies or a threatened species that should be added to
9 the List of Endangered and Threatened Wildlife
10 pursuant to that Act.

11 **SEC. 3. DETERMINATION OF GRIZZLY BEAR SPECIES**
12 **UNDER THE ENDANGERED SPECIES ACT OF**
13 **1973.**

14 (a) IN GENERAL.—Not later than 2 years after the
15 date of enactment of this Act, the Secretary shall remove
16 the entity of grizzly bear (*Ursus arctos horribilis*) in the
17 conterminous lower 48 States of the United States and
18 the associated entity of grizzly bear (*Ursus arctos*
19 *horribilis*) in portions of the States of Idaho and Montana
20 listed as an experimental population from the List of En-
21 dangered and Threatened Wildlife under section 17.11(h)
22 of title 50, Code of Federal Regulations (or a successor
23 regulation).

24 (b) EFFECT ON OTHER DETERMINATIONS.—Nothing
25 in this Act limits the ability of the Secretary to make fu-

1 ture determinations of threatened species or endangered
2 species, by regulation promulgated in accordance with sec-
3 tion 4(a) of the Endangered Species Act of 1973 (16
4 U.S.C. 1533(a)), for any distinct population segment of
5 brown bear (*Ursus arctos*) that interbreeds when mature,
6 including any distinct population segment of grizzly bear
7 (*Ursus arctos horribilis*) or other brown bear subspecies,
8 subject to the conditions that the Secretary shall not—

9 (1) add any distinct population segment of griz-
10 zly bear (*Ursus arctos horribilis*) to the List of En-
11 dangered and Threatened Wildlife under section
12 17.11(h) of title 50, Code of Federal Regulations (or
13 a successor regulation), unless the Secretary identi-
14 fies objective, measurable criteria that, when met,
15 would result in a determination that the distinct
16 population segment be removed from the list; and

17 (2) be required to designate critical habitat for
18 a distinct population segment of grizzly bear (*Ursus*
19 *arctos horribilis*) described in paragraph (1).

20 (c) DELISTING PROCESS FOR DISTINCT POPULATION
21 SEGMENTS.—If the Secretary identifies a distinct popu-
22 lation segment of grizzly bear (*Ursus arctos horribilis*) in
23 the conterminous lower 48 States of the United States
24 that has met the established recovery criteria for that dis-
25 tinct population segment, the Secretary shall initiate the

1 process to remove that distinct population segment from
2 the List of Endangered and Threatened Wildlife under
3 section 17.11(h) of title 50, Code of Federal Regulations
4 (or a successor regulation).

5 (d) NO JUDICIAL REVIEW.—The removal of the enti-
6 ty of grizzly bear (*Ursus arctos horribilis*) in the
7 conterminous lower 48 States of the United States and
8 the associated entity of grizzly bear (*Ursus arctos*
9 *horribilis*) in portions of the States of Idaho and Montana
10 listed as an experimental population from the List of En-
11 dangered and Threatened Wildlife under section 17.11(h)
12 of title 50, Code of Federal Regulations (or a successor
13 regulation), pursuant to subsection (a) shall not be subject
14 to judicial review.

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