

118TH CONGRESS  
1ST SESSION

# H. R. 6784

To amend the Endangered Species Act of 1973 to provide for protective regulations when a species is listed as an endangered species.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 14, 2023

Mr. STAUBER (for himself, Mr. NEWHOUSE, Ms. HAGEMAN, Ms. BOEBERT, and Mr. BENTZ) 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 provide for protective regulations when a species is listed as an endangered species.

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 “ESA Flexibility Act”.

5 **SEC. 2. PROTECTIVE REGULATIONS FOR ENDANGERED**  
6 **SPECIES.**

7 (a) PROTECTIVE REGULATIONS.—Section 4(d) of the  
8 Endangered Species Act of 1973 (16 U.S.C. 1533(d)) is  
9 amended to read as follows:

1 “(d) PROTECTIVE REGULATIONS.—

2 “(1) THREATENED SPECIES.—Whenever any  
3 species is listed as a threatened species pursuant to  
4 subsection (c), the Secretary shall issue such regula-  
5 tions as the Secretary deems necessary and advisable  
6 to provide for the conservation of such species.

7 “(2) ENDANGERED SPECIES.—Whenever any  
8 species is listed as an endangered species pursuant  
9 to subsection (c), the Secretary may issue such regu-  
10 lations as the Secretary deems necessary and advis-  
11 able to provide for the conservation of such species.

12 “(3) PROHIBITION ON CERTAIN ACTIVITIES.—  
13 Except as provided in paragraph (4), the Secretary  
14 may, by regulation issued under this subsection, pro-  
15 hibit with respect to any threatened or endangered  
16 species any act prohibited under section 9(a)(1), in  
17 the case of fish or wildlife, or section 9(a)(2) in the  
18 case of plants.

19 “(4) EXCEPTION.—Regulations described by  
20 paragraph (3) shall apply in any State which has en-  
21 tered into a cooperative agreement pursuant to sec-  
22 tion 6(c) only to the extent that such regulations  
23 have also been adopted by such State.”.

24 (b) EXCEPTION TO PROHIBITED ACTS.—Paragraphs  
25 (1) and (2) of section 9(a) of the Endangered Species Act

1 of 1973 (16 U.S.C. 1538(a)(1) and (2)) are each amended  
2 by inserting “by regulations issued under section 4(d) or”  
3 after “as provided”.

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