

H.J. Res. 46, a joint resolution providing for Congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Marine Fisheries Service relating to "Endangered and Threatened Wildlife and Plants; Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat"

As ordered reported by the House Committee on Natural Resources on April 28, 2023

By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	*

Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	No
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

* = between zero and \$500,000.

H.J. Res. 46 would disapprove a rule published in the *Federal Register* on July 24, 2022, by the National Marine Fisheries Service related to “Endangered and Threatened Wildlife and Plants; Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat.” As a result, the legislation would reinstate a previous rule, “[Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat](#),” which was submitted by U.S. Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration (NOAA) and published in the *Federal Register* on December 16, 2020. That rule defined the term “habitat” for regulations concerning critical habitat under the Endangered Species Act (ESA). The ESA requires agencies to consult with USFWS and NOAA on activities that could adversely affect critical habitats.

Using information from USFWS and NOAA, CBO estimates that reinstating the definition of “habitat” would not affect permitting fees or civil and criminal penalties under the ESA. There would be some administrative costs to void the regulation, which CBO estimates

See also

[CBO's Cost Estimates Explained](#), [CBO Describes Its Cost-Estimating Process](#), [Glossary](#)



would be insignificant; any spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Lilia Ledezma. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

A handwritten signature in black ink, appearing to read "Phillip L. Swagel". The signature is fluid and cursive, with a long, sweeping tail that extends to the right.

Phillip L. Swagel
Director, Congressional Budget Office