



An Unprecedented Assault on the Endangered Species Act in the 114th Congress

Since the 114th Congress convened in January, 2015, members of the U.S. Senate and House of Representatives have introduced **100 legislative measures** that would undermine the Endangered Species Act (ESA). This is an unprecedented assault on a wildly popular and successful conservation law. The ESA was passed with broad bipartisan support and signed into law by President Richard Nixon in 1973. For over forty years, this landmark conservation law has successfully prevented the extinction of nearly 99% of all listed animal and plant species. A 2015 poll shows that 90% of American voters support the ESA. Yet, this Senate has introduced 43 bills or amendments undermining the law since January, 2015 and the House of Representatives has introduced 57 bills or amendments. A complete summary of these ESA attacks can be found here: <http://www.defenders.org/publications/Chart-of-ESA-Attacks-in-114th-Congress.pdf>.

Major Themes of Anti-ESA Attacks

The attacks comprising the congressional assault on the ESA and imperiled species fall under **4 overarching themes**: (1) attempts to overhaul the entire law, (2) waivers of ESA requirements for specific projects or agencies, (3) attacks on key elements of the law, and (4) efforts to remove existing ESA protections or block future protections for specific species.

1) Attempts to overhaul the ESA

- One Senate bill, the “Endangered Species Management Self-Determination Act” (S. 855), would upend efforts to conserve threatened and endangered species under the ESA by fundamentally altering the law. It would devastate endangered species conservation and almost certainly lead to more extinctions. For background on this bill and other anti-ESA legislation, see the testimony of former Defenders of Wildlife Senior Vice President for Conservation Programs Don Barry at a May, 2015 hearing of the Senate Environment and Public Works Committee: <http://www.epw.senate.gov/public/cache/files/dbcc816a-e456-4625-9e6e-2f6581cc2e22/2015-05-06barrytestimony.pdf>.

2) Waiver of ESA requirements for specific projects or agencies

- Several bills seek to exempt specific projects or federal agencies from the requirements of the ESA. For example, the Senate Keystone XL Pipeline Act (S. 1) included an “ESA sufficiency” provision stating that the pipeline project had already met the requirements of the ESA and other environmental laws.

3) Attacks on key elements of the ESA

- Scores of bills and amendments aim to weaken and alter some of the ESA’s most powerful provisions. Some major aspects of the ESA that have come under attack include:
 - Provisions enabling citizens to hold agencies accountable, through litigation and legal settlements, for making science-based decisions under the ESA
 - Decision-making based on the best available science
 - Federal management of threatened & endangered species after states have let them decline

4) Efforts targeting specific species

- Roughly half of the ESA attacks target individual species. They would remove existing ESA protections for threatened and endangered species, block future protections for imperiled species, or overturn conservation measures developed by federal agencies in order to avoid listing under the ESA. This Congress, there have been recurring attacks on the following species:
 - Gray wolf
 - Sage-grouse
 - Lesser prairie-chicken
 - Northern long-eared bat
 - American burying beetle
 - And more...

Anti-ESA Riders on Major Legislative Vehicles are Common

Measures undermining the ESA or blocking protections for specific species have repeatedly appeared as “riders” to major legislative vehicles. This is a strategy employed by members of Congress to sneak unpopular, controversial measures that would have no chance of becoming law on their own onto “must pass” bills. Anti-ESA riders have been proposed on bills including:

- Senate Keystone XL Pipeline Act (S.1) – January, 2015
- Senate Budget Resolution (S. Con. Res. 11) – March, 2015
- Senate & House versions of the National Defense Authorization Act (NDAA) (S.1376 and H.R. 1735) – June, 2015
- Senate & House versions of the FY16 Interior Appropriations bills (S. 1645 and H.R. 2922) – June & July, 2015
- Senate Energy Policy Modernization Act (S. 2012) – January, 2016
- House Sportsmen’s Heritage and Recreational Enhancement Act (H.R. 2406) – February, 2016

Updates on Future Congressional Attacks on the ESA and Wildlife

For the latest updates on new congressional attacks on the ESA and Wildlife, follow the Twitter account for Defenders of Wildlife’s Government Relations team at [@DefendersGovRel](https://twitter.com/DefendersGovRel).

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