

EXEMPTING THE MILITARY FROM COMPLYING WITH THE ESA

Failed: 200-228

SUMMARY:

The House rejected an amendment that would have exempted U.S. military from complying with the Endangered Species Act (ESA) (*September 10, 2025, Roll Call No. 259*).

BACKGROUND:

The Department of Defense manages approximately 27 million acres of land on 338 military installations. The land has limited public access and supports the preservation of ecologically important native habitats that shelter rare and unique species from disturbance and development. On January 3, 2025, Rep. Andy Biggs (R-Ariz.) introduced H.R. 65, The Armed Forces Endangered Species Exemption Act, to exempt the U.S. military from compliance with the ESA, prohibit the Secretary of the Interior or Commerce from designating critical habitat on any military installation, and exempt the Secretary of Defense from consulting with the Secretary of the Interior under section 7(a)(2) of the ESA to ensure the Defense Department actions are not likely to jeopardize the continued existence of a listed species.

The bill was based on the faulty premise that the military is incapable of safeguarding both our national security and endangered species, thus carving a huge loophole in the ESA for all military activities. There is currently no evidence that compliance with the ESA hinders or threatens the military's ability to function or threatens the nation's military security. The Department of Defense has long worked, in partnership with the U.S. Fish and Wildlife Service and state wildlife agencies, to successfully conserve fish and wildlife resources, including imperiled species, on military lands. Exempting the Department of Defense and its many industrial contractors from compliance with the ESA would put our nation's natural legacy at needless risk.

During consideration of H.R. 3838, National Defense Authorization Act (NDAA) for Fiscal Year 2025, the House rejected an amendment offered by Rep. Biggs based on his bill, H.R. 65. This amendment to the NDAA has now failed for three consecutive years with significant bipartisan opposition.

OUTCOME:

On September 10, 2025, the House rejected H.R. 65, 200-228. "No" was the pro-conservation vote.