

H.R.9901 Safeguarding the Endangered Species Act

The Endangered Species Act is America's most effective wildlife protection law.

An astonishing **99% of species listed under the ESA have been saved from disappearing forever** and hundreds are currently on the road to recovery. Thanks to the ESA, dozens of iconic species like the bald eagle, humpback whale, and American alligator are still with us today.

To date, the ESA has been successful because it protects listed species from "take," including all forms of "harm," like harm to habitat. The recognition that habitat loss is harm is an integral reason that the ESA has a near-perfect success rate of saving imperiled species.

For nearly five decades, the common sense, habitat-inclusive regulatory definition of "harm" has served as a cornerstone of ESA implementation, limiting significant habitat modification or degradation that further threatens listed species by impairing essential behaviors like feeding, breeding and sheltering.

Elimination of "Harm" Definition

On July 10, 2026, the administration eliminated the regulatory definition of "harm" under the ESA, decimating key habitat protections for imperiled species. This decision will have devastating impacts on America's most vulnerable wildlife and lead to more extinction.

Habitat Loss and Extinction

Habitat loss threatens 90% of listed species and is the most significant predictor for extinction risk; the more a species' habitat is destroyed or degraded, the higher the risk of it going extinct.

We cannot stem or reverse the decline of wild species without protecting their habitat.

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Everyone needs a place to live, including imperiled wildlife like Florida manatees.

> **This important legislation to overturn the administration's elimination of habitat protections under the ESA rightly recognizes that, to save imperiled wildlife and address the extinction crisis, we must protect the places where they live.**
>
> — Mary Beth Beetham,
> *Director of Legislative Affairs,*
> **Defenders of Wildlife**

For example, Florida manatees, which depend on healthy seagrass beds for feeding, could face increased threats from coastal development, dredging and pollution, all of which degrade water quality and destroy their food sources. Under the new rule, destroying seagrass, even if it leads to starvation and death for these animals, will no longer be considered illegal "harm."

A Bill to Restore the Harm Definition

On July 24, 2026, Representatives Brian Fitzpatrick (R-PA-1) and Mike Quigley (D-IL-5) introduced the **Safeguarding Endangered Species Act (H.R. 9901)**, a bipartisan bill to nullify the Administration's new rule erasing regulatory protections against destructive habitat loss.

Passage of H.R. 9901 would restore the long-standing, common sense regulatory definition of "harm" that enables lifesaving habitat protections for listed species. If Congress does not reinstate this definition, countless beloved species will be at risk of imminent extinction.

Numerous environmental and humane groups support H.R. 9901 and strongly urge congresspeople to cosponsor the bill, including Defenders of Wildlife, Humane World for Animals, Save the Manatees Club, Endangered Species Coalition, Oceana, and more.

Supreme Court Precedent

The ESA's congressional mandate to protect the habitat that threatened and endangered species depend on was reinforced by the Supreme Court's 1995 ruling in Babbitt v. Sweet Home. This decision upheld the inclusion of habitat destruction in the regulatory definition of "harm.