



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

INDEX OF BILLS & AMENDMENTS					
Count	Bill Number	Bill Sponsor	Title	Impact of Bill	Last action
CATEGORY 1: Direct attacks, species-specific attacks, and amendments to the ESA					
1.	*Secs. 4001, 4003, 4007 & 4013 of S. 612	Feinstein [D-CA] McCarthy [R-CA]	Water Infrastructure Improvements for the Nation (WIIN) Act	Overrides ESA protections for operations of the Central Valley Project	12/16/16
2.	H.R. 5247	Garamendi [D-CA]	California Long-Term Provisions for Water supply and Short-Term Provisions for Emergency Drought Relief Act	Exempts new water storage projects from provisions of the ESA that require water projects to change under certain circumstances – for instance as a result of climate change, new scientific information, or new biological opinions.	9/30/16
3.	S. 2533	Feinstein [D-CA]	California Long-Term Provisions for Water supply and Short-Term Provisions for Emergency Drought Relief Act	Exempts new water storage projects from provisions of the ESA that require water projects to change under certain circumstances – for instance as a result of climate change, new scientific information, or new biological opinions.	2/10/16
4.	*Sec. 477 of the FY 17 House Inter. Approps. Bill (H.R. 5538) (added as floor amdt)	Newhouse [R-WA]	House Interior Appropriations Bill of 2017; Delist gray wolves in lower 48 states	Blocks all ESA protections for gray wolves in the continental United States by 2017.	7/14/16
5.	*Sec. 496 of the FY 17 House Inter. Approps. Bill (H.R. 5538) (added as floor amdt)	Westmoreland [R-AR]	House Interior Appropriations Bill of 2017; “Sue and Settle”	Limits the citizens’ right to go to court to challenge government action under the ESA and other environmental laws by barring the payment of citizens’ legal fees whenever the parties avoid costly litigation by agreement to a settlement or decree.	7/14/16
6.	*Sec. 494 of the FY 17 House Inter. Approps. Bill (H.R. 5538) (added as floor amdt)	Pearce [R-NM]	House Interior Appropriations Bill of 2017; Mexican Gray Wolf	Blocks federal funding for the endangered Mexican gray wolf under the ESA and limits recovery to “historic range.”	7/14/16
7.	*Sec. 478 of the FY 17 House Inter. Approps. Bill (H.R. 5538)	Pearce [R-NM]	House Interior Appropriations Bill of 2017; New Mexico meadow jumping mouse	Blocks federal funding for the endangered New Mexican meadow jumping mouse under the ESA.	7/14/16

Last Updated 12/21/16 • Bills listed in reverse chronological order by latest action • House/Senate companion bills are grouped together • * indicates favorable vote in ≥ 1 chamber



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

INDEX OF BILLS & AMENDMENTS					
Count	Bill Number	Bill Sponsor	Title	Impact of Bill	Last action
	(added as floor amdt)				
8.	*Sec. 476 of the FY 17 House Inter. Approps. Bill (H.R. 5538) (added as floor amdt)	Lamborn [R-CO]	House Interior Appropriations Bill of 2017; Preble's meadow jumping mouse	Blocks federal funding for the threatened Preble's meadow jumping mouse under the ESA.	7/14/16
9.	*Sec. 475 of the FY 17 House Inter. Approps. Bill (H.R. 5538) (added as floor amdt)	Lamborn [R-CO]	House Interior Appropriations Bill of 2017; 5-year status reviews	Blocks ESA protections for listed species if FWS does not complete its 5-year review on time.	7/14/16
10.	H. Amdt. 52 to the FY 17 House Inter. Approps. Bill (H.R. 5538) (Made in order; withdrawn before vote)	Huizenga [R-MI]	House Interior Appropriations Bill of 2017; Limiting attorney fees in ESA cases	Undermines the ability of citizens to enforce the ESA by restricting citizens' ability to recover litigation costs.	7/14/16
11.	H. Amdt. 141 to the FY 17 House Inter. Approps. Bill (H.R. 5538) (not ruled in order)	Costa [D-CA]	House Interior Appropriations Bill of 2017; Delta smelt	Prevents the U.S. Fish and Wildlife Service (FWS) from taking timely action to prevent the extinction of the delta smelt.	7/8/16
12.	H. Amdt 116 to the FY 17 House Inter. Approps. Bill (H.R. 5538)	Yoho [R-FL]	House Interior Appropriations Bill of 2017; Gulf sturgeon	Seeks to force the FWS to accelerate another review of the currently threatened Gulf sturgeon with the intent of delisting the species.	7/8/16

Last Updated 12/21/16 • Bills listed in reverse chronological order by latest action • House/Senate companion bills are grouped together • * indicates favorable vote in ≥ 1 chamber



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

INDEX OF BILLS & AMENDMENTS					
Count	Bill Number	Bill Sponsor	Title	Impact of Bill	Last action
	(not ruled in order)				
13.	*Secs. 447-452 of the FY 17 House Inter. Approps. Bill (H.R. 5538) (added as cmte. amdt)	Valadao [R-CA]	House Interior Appropriations Bill of 2017; Scientifically Supported Implementation of OMR Flow Requirements	Weakens ESA protections for salmon, migratory birds and other fish and wildlife in CA's Bay-Delta estuary.	6/15/16
14.	*Sec. 445 of the FY 17 House Inter. Approps. Bill (H.R. 5538) (added as cmte. amdt)	Yoder [R-KS]	House Interior Appropriations Bill of 2017; Limitation on Use of Funds for Treatment of Lesser Prairie Chicken Under ESA	Blocks federal funding for the threatened lesser prairie-chicken, thwarting recovery efforts for this imperiled southwestern bird.	6/15/16
15.	*Sec 114 (new) of the FY 17 House Inter. Approps. Bill (H.R. 5538) (added as cmte. amdt)	Amodei [R-NV]	House Interior Appropriations Bill of 2017; Greater Sage-Grouse	Delays a potential ESA listing for greater sage-grouse for at least a year, further jeopardizing the species. Also transfers management of as many as 60 million acres of federal lands to states and prevents the withdrawal of 10 million acres of sage-grouse habitat from mineral leases.	6/15/16
16.	*Sec. 119 of the FY 17 House Inter. Approps. Bill (H.R. 5538)	Calvert [R-CA]	House Interior Appropriations Bill of 2017; Reissuance of Final Rules (Wolves)	Directs the Secretary of the Interior to reissue the final rules published on Dec. 28, 2011 (on the status of the gray wolf in the western great lakes), and Sept. 10, 2012 (on the status of the gray wolf in Wyoming); removes judicial review.	7/14/16
17.	*Sec. 118 of the FY 17 House Inter. Approps. Bill (H.R. 5538)	Calvert [R-CA]	House Interior Appropriations Bill of 2017; Fish Hatchery Programs	Diverts funding currently being spent to recover CA fish species to hatcheries for delta smelt and other threatened and endangered fish, which would not solve the problem.	7/14/16
18.	Sec. 114 of the FY 17 House Inter. Approps. Bill (H.R. 5538)	Calvert [R-CA]	House Interior Appropriations Bill of 2017; Sage-Grouse	Prevents the FWS from conducting a new status review for greater sage-grouse or Columbia Basin sage-grouse under the ESA for at least another year.	7/14/16



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

INDEX OF BILLS & AMENDMENTS					
Count	Bill Number	Bill Sponsor	Title	Impact of Bill	Last action
19.	Sec. 119 of the FY 17 Senate Inter. Approps. Bill (S. 3068)	Murkowski	Senate Interior Appropriations Bill of 2017; Reissuance of Final Rules (Wolves)	Directs the Secretary of the Interior to reissue the final rules published on Dec. 28, 2011 (on the status of the gray wolf in the western great lakes), and Sept. 10, 2012 (on the status of the gray wolf in Wyoming); removes judicial review.	6/16/16
20.	Sec. 115 of the FY 17 Senate Inter. Approps. Bill (S. 3068)	Murkowski	Senate Interior Appropriations Bill of 2017; Sage-Grouse	Prevents the FWS from conducting a new status review for greater sage-grouse or Columbia Basin sage-grouse under the ESA for at least another year.	6/16/16
21.	Sec. 111 of the FY 17 Senate Inter. Approps. Bill (S. 3068)	Murkowski	Senate Interior Appropriations Bill of 2017; Lesser Prairie Chicken	Prevents the FWS from carrying out any activity that would lead to a determination of the status of the lesser prairie-chicken as a threatened or endangered species.	6/16/16
22.	Sec. 541 & Sec. 542 of the FY 17 House Commerce, Justice & Science Approps. Bill (H.R. 5393)	Culberson [R-TX]	House Commerce, Justice, & Science Appropriations Bill of 2017; Fish Hatcheries		6/7/16
23.	Secs. 204, 205, 206 & 209 of the FY 17 House Energy & Water Approps. Bill (H.R. 5055)	Simpson [R-ID]	Scientifically supported implementation of OMR flow requirements	Undermines ESA protections for salmon and other fish in California's Bay-Delta estuary.	5/26/16
24.	*Division C of H. Amdt. to the Energy Policy Modernization Act of 2016 (S. 2012)	Valadao [R-CA]	House Amdt. to Energy Policy Modernization Act of 2016; CA Water	Weakens ESA protections for salmon, migratory birds and other fish and wildlife in CA's Bay-Delta estuary.	5/26/16
25.	*Secs. 2101-2106 of H.	Wittman [R-VA]	House Amdt. to Energy Policy Modernization Act of 2016; Ivory	Dramatically limits the U.S. Fish and Wildlife Service's (FWS's) ability to regulate the importation and exportation	5/26/16

Last Updated 12/21/16 • Bills listed in reverse chronological order by latest action • House/Senate companion bills are grouped together • * indicates favorable vote in ≥ 1 chamber



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

INDEX OF BILLS & AMENDMENTS					
Count	Bill Number	Bill Sponsor	Title	Impact of Bill	Last action
	Amdt. to the Energy Policy Modernization Act of 2016 (S. 2012)			of ivory; amends the Endangered Species Act (ESA) to allow for the continued importation of sport-hunted elephant trophies.	
26.	*Secs. 2201-2202 of H. Amdt. to the Energy Policy Modernization Act of 2016 (S. 2012)	Wittman [R-VA]	House Amdt. to Energy Policy Modernization Act of 2016; Wolves	Directs the Secretary of the Interior to reissue the final rules published on Dec. 28, 2011 (on the status of the gray wolf in the western great lakes), and Sept. 10, 2012 (on the status of the gray wolf in Wyoming); removes judicial review.	5/26/16
27.	*Secs. 1203-1208 of H. Amdt. to the Energy Policy Modernization Act of 2016 (S. 2012)	McMorris-Rodgers [R-WA]	House Admt. to Energy Policy Modernization Act of 2016; Hydropower Regulatory Modernization	Gives the Federal Energy Regulatory Commission (FERC) the power to evade environmental laws, including the ESA.	5/26/16
28.	S. Amdt. 3164 to the Energy Policy Modernization Act (S. 2012)	Flake [R-AZ]	Delisting of Mexican Gray Wolves	Calls for the delisting of the Mexican gray wolf if the population has met goals from a 1982 FWS plan that the agency itself recognizes are inadequate to recover and delist the wolf.	2/1/16
29.	S. Amdt. 3034 to the Energy Policy Modernization Act (S. 2012)	Johnson [R-WI]	Prohibition on listing the northern long-eared bat as an endangered species	Prevents FWS from protecting the highly imperiled northern long-eared bat as an endangered species under the ESA.	1/27/16
30.	S. Amdt. 3033 to the Energy Policy Modernization Act (S. 2012)	Johnson [R-WI]	Reissuance of final rules regarding gray wolves in the Western Great Lakes and Wyoming	Directs the Secretary of the Interior to reissue the final rules published on Dec. 28, 2011 (on the status of the gray wolf in the western great lakes), and Sept. 10, 2012 (on the status of the gray wolf in Wyoming); removes judicial review	1/27/16



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

INDEX OF BILLS & AMENDMENTS					
Count	Bill Number	Bill Sponsor	Title	Impact of Bill	Last action
31.	S. Amdt. 3027 to the Energy Policy Modernization Act (S. 2012)	Cornyn [R-TX]	Approval of certain settlements	Requires the Secretary of the Interior to publish all complaints filed under the ESA; amends the ESA to include a rebuttable presumption that all affected parties can intervene in lawsuit.	1/27/16
32.	S. Amdt. 56 to the Energy Policy Modernization Act of 2015 (S. 2012)	Lee [R-UT]	Disclosure of Certain Expenditures under the ESA	Establishes burdensome reporting requirements about ESA litigation and builds a false case against citizen enforcement.	7/24/15
33.	H.R. 5281	Luetkemeyer [R-MO]	The Endangered Species Management Self-Determination Act	Weakens or removes powerful ESA provisions; effectively eliminate federal protection for endangered/threatened species.	5/18/16
34.	S. 855	Paul [R-KY]	Endangered Species Management Self-Determination Act	Weakens or removes powerful ESA provisions; effectively eliminate federal protection for endangered/threatened species.	5/6/15
35.	*Sec. 2866 of the FY 17 NDAA (H.R. 4909)	Bridenstine [R-OK]	Removal of endangered species status for American burying beetle	Permanently reverses endangered listing for the American Burying Beetle, and prevents future listing as endangered or threatened. Unrelated to military readiness.	5/18/16
36.	*Sec. 2865 of the FY 17 NDAA (H.R. 4909)	Bridenstine [R-OK]	Implementation of lesser prairie-chicken range-wide conservation plan and other conservation measures	Prevents the FWS from listing the lesser prairie-chicken until 2022 and after that, prevents a listing unless Range-Wide Conservation goals have not been met. Unrelated to military readiness.	5/18/16
37.	*Sec. 2864 of the FY 17 NDAA (H.R. 4909)	Bishop [R-UT]	Protection and Recovery of Greater Sage-Grouse	Delays a potential ESA listing for greater sage-grouse for at least 10 years, further jeopardizing the species. Also transfers management of as many as 60 million acres of federal lands to states. Unrelated to military readiness.	5/18/16
38.	S. 2876	Flake [R-AZ], McCain [R-AZ]	Mexican Gray Wolf Recovery Plan Act of 2016	Gives the states of Arizona and New Mexico unchecked power in drafting the recovery plan for managing the Mexican gray wolf.	4/28/16
39.	H.R. 4739	Bishop, Rob [R-UT]	Greater Sage Grouse Protection & Recovery Act of 2016	Delays a potential ESA listing for greater sage-grouse for at least 10 years, further jeopardizing the species. Also	3/15/16



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

INDEX OF BILLS & AMENDMENTS					
Count	Bill Number	Bill Sponsor	Title	Impact of Bill	Last action
				transfers management of as many as 60 million acres of federal lands to states.	
40.	*Sec. 311 of the FEMA Disaster Assistance Reform Act (H.R. 1471)	Barletta [R-PA]	Authorities	Exempts the Federal Emergency Management Agency (FEMA) from complying with requirements under the ESA and other federal environmental statutes with respect to the implementation of its National Flood Insurance Program (NFIP).	3/1/16
41.	*H. Amdt. 959 /Secs. 2101 & 2102 of the Sportsmen's Bill (H.R. 2406)	Ribble [R-WI] , Lummis [R-WY] , Benishek [R-MI] , Peterson [D-MN]	Gray Wolves	Directs the Secretary of the Interior to reissue the final rules published on Dec. 28, 2011 (on the status of the gray wolf in the western great lakes), and Sept. 10, 2012 (on the status of the gray wolf in Wyoming); removes judicial review.	2/26/16
42.	*H.R. 2406	Wittman [R-VA]	SHARE – the Sportsmen's Heritage and Recreation Enhancement Act of 2015	Dramatically limits the U.S. Fish and Wildlife Service's (FWS's) ability to regulate the importation and exportation of ivory; amends the Endangered Species Act (ESA) to allow for the continued importation of sport-hunted elephant trophies.	2/26/16
43.	Secs. 14 & 15 of the Sportsmen's Bill (S. 659)	Barrasso [R-WY]	An amendment to delist the recovered gray wolf in Wyoming and the Great Lakes	Directs the Secretary of the Interior to reissue the final rules published on Dec. 28, 2011 (on the status of the gray wolf in the western great lakes), and Sept. 10, 2012 (on the status of the gray wolf in Wyoming); removes judicial review.	2/24/16
44.	S. 2281	Johnson [R-WI]	A bill to direct the Secretary of the Interior to reissue final rules relating to listing of the gray wolf in the Western Great Lakes and Wyoming	Directs the Secretary of the Interior to reissue the final rules published on Dec. 28, 2011 (on the status of the gray wolf in the western great lakes), and Sept. 10, 2012 (on the status of the gray wolf in Wyoming); removes judicial review	11/10/15
45.	*Sec. 312 of the FY 16 NDAA (H.R. 1735)	Thornberry [R-TX] (sponsor of H.R. 1735)	House National Defense Authorization Act; Establishment of the Southern Sea Otter Military Readiness Areas	Weakens the ESA and MMPA by unnecessarily giving the U.S. Navy broad exemptions to both statutes, allowing their activities to potentially kill, injure, and otherwise harm threatened sea otters.	10/22/15
46.	*Sec. 2862 of the FY 16 NDAA (H.R. 1735)	Bishop, Rob [R-UT] (author of Sec. 2862)	House National Defense Authorization Act; Protection and Recovery of Greater Sage Grouse	Delays a potential ESA listing for greater sage-grouse for at least 10 years, further jeopardizing the species. Also transfers management of as many as 60 million acres of federal lands to states.	10/22/15



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

INDEX OF BILLS & AMENDMENTS					
Count	Bill Number	Bill Sponsor	Title	Impact of Bill	Last action
47.	*H. Amdt. 230 to the FY 16 NDAA (H.R. 1735)	Lucas [R-OK]	House National Defense Authorization Act; Lesser prairie-chicken & American Burying Beetle	Delists the lesser prairie-chicken until 2021 and prevents a listing unless Range-Wide Conservation goals have not been met. Permanently reverses endangered listing for the American Burying Beetle, and prevents future listing as endangered or threatened.	10/22/15
48.	*H.R. 2898	Valadao [R-CA]	Western Water and American Food Security Act of 2015	Weakens ESA protections for salmon, migratory birds and other fish and wildlife in CA's Bay-Delta estuary.	10/8/15
49.	Sec. 109 of the Offshore Production and Energizing National Security Act of 2015 (S. 2011)	Murkowski [R-AK]	Offshore Certainty – Coordinating with ESA Reviews	Accelerates NMFS's review of incidental harassment authorizations under the Marine Mammal Protection Act, and exempts IHA review from the requirements of the ESA, severely undermining NMFS's ability to protect marine mammals – including threatened and endangered species – from offshore oil-and-gas activities.	9/9/15
50.	H.R. 564	Herrera Buetler [R-WA]	Endangered Salmon and Fisheries Predation Prevention Act	Does nothing to help salmon; harmful for Stellar sea lions – a species that was once listed, but has recovered.	7/23/15
51.	H.R. 3162	Collins [R-CO]	Endangered Species Recovery Transparency Act	Establishes burdensome reporting requirements about ESA litigation and builds a false case against citizen enforcement.	7/22/15
52.	S. 1691	Barrasso [R-WY]	National Forest Ecosystem Improvement Act of 2015	Curtails application of the ESA, putting fish and wildlife conservation at risk & increasing chance of mgmt. conflicts.	7/16/15
53.	S. 1769	Daines [R-MT]	African Elephant Conservation and Legal Ivory Possession Act of 2015	Exempts certain types of ivory from import or export requirements under the African Elephant Conservation Act or ESA; prevents new regulations from prohibiting or restricting ivory trade previously allowed w/in the U.S.	7/15/15
54.	H.R. 697	Young [R-AK]	African Elephant Conservation and Legal Ivory Possession Act of 2015	Exempts certain types of ivory from import or export requirements under the African Elephant Conservation Act or ESA; prevents new regulations from prohibiting or restricting ivory trade previously allowed w/in the U.S.	3/16/15
55.	H. Amdt. 635 to FY 16 Inter. Approps. (H.R. 2822)	LaMalfa [R-CA]	House Interior Appropriations Bill of 2016; Attorney's Fees	Undermines the ability of citizens to recover attorney's fees under the ESA & makes it more difficult for citizens across the political spectrum to obtain counsel.	7/8/15
56.	H. Amdt. 633 to FY 16 Inter.	Westmoreland [R-GA]	House Interior Appropriations Bill of 2016; "Sue & Settle"	Limits the citizens' right to go to court to challenge government action under the ESA by barring the payment	7/8/15



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

INDEX OF BILLS & AMENDMENTS					
Count	Bill Number	Bill Sponsor	Title	Impact of Bill	Last action
	Approps. (H.R. 2822)			of citizens' legal fees whenever the parties avoid costly litigation by agreement to a settlement or decree.	
57.	H. Amdt. 634 to FY 16 Inter. Approps. (H.R. 2822)	Rokita [R-IN]	House Interior Appropriations Bill of 2016; Mussels	Blocks federal funding for 6 species of endangered mussels under the ESA, thwarting recovery efforts for these important indicator species.	7/8/15
58.	*H. Amdt. 628 to FY 16 Inter. Approps. (H.R. 2822)	Lamborn [R-CO]	House Interior Appropriations Bill of 2016; ESA Status Review	Blocks ESA protections for listed species if FWS does not complete its 5-year review on time as required by the law.	7/7/15
59.	*H. Amdt. 627 to FY 16 Inter. Approps. (H.R. 2822)	Lamborn [R-CO]	House Interior Appropriations Bill of 2016; Preble's Meadow Jumping Mouse	Blocks federal funding for the threatened Preble's Meadow Jumping Mouse under the ESA, thwarting recovery efforts for this western species.	7/7/15
60.	*H. Amdt. 626 to FY 16 Inter. Approps. (H.R. 2822)	Thompson [R-PA]	House Interior Appropriations Bill of 2016; Northern Long-Eared Bat	Prevents FWS from protecting the highly imperiled northern long-eared bat as an endangered species under the ESA.	7/7/15
61.	*H. Amdt. 615 to FY 16 Inter. Approps. (H.R. 2822)	Yoder [R-KS]	House Interior Appropriations Bill of 2016; Lesser Prairie-Chicken	Blocks federal funding for the threatened lesser prairie-chicken, thwarting recovery efforts for this imperiled southwestern bird.	7/7/15
62.	H. Amdt. 611 to FY 16 Inter. Approps. (H.R. 2822)	Newhouse [R-WA]	House Interior Appropriations Bill of 2016; Gray Wolves	Blocks the protection of gray wolves in WA, OR and UT under the ESA, thwarting recovery efforts in three states with suitable habitat where gray wolves are just beginning to repopulate.	7/7/15
63.	*H. Amdt. 581 to FY 16 Inter. Approps. (H.R. 2822)	Gosar [R-AZ]	House Interior Appropriations Bill of 2016; Sonoran Desert Tortoise	Prevents FWS from listing the imperiled Sonoran desert tortoise under the ESA.	7/7/15
64.	H. Amdt. 3 to FY 16 Inter. Approps. (H.R. 2822)	Huelskamp [R-KS]	House Interior Appropriations Bill of 2016; Lesser Prairie-Chicken	Prevents FWS from uplisting the threatened lesser prairie-chicken as endangered	6/23/15



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

INDEX OF BILLS & AMENDMENTS					
Count	Bill Number	Bill Sponsor	Title	Impact of Bill	Last action
65.	H. Amdt. 2 to FY 16 Inter. Approps. (H.R. 2822)	Huelskamp [R-KS]	House Interior Appropriations Bill of 2016; Lesser Prairie-Chicken	Blocks federal funding for the threatened lesser prairie-chicken, thwarting recovery efforts for this imperiled southwestern bird.	6/23/15
66.	Sec. 122 of FY 16 Inter. Approps. (H.R. 2822)	Calvert [R-CA]	House Interior Appropriations Bill of 2016; Northern Long-Eared Bat	Statutorily codifies and weakens an already problematic FWS special 4(d) rule for the northern long-eared bat.	6/25/15
67.	Sec. 121 of FY 16 Inter. Approps. (H.R. 2822)	Calvert [R-CA]	House Interior Appropriations Bill of 2016; Gray Wolf	Directs the Secretary of the Interior to reissue the final rules published on Dec. 28, 2011 (on the status of the gray wolf in the western great lakes), and Sept. 10, 2012 (on the status of the gray wolf in Wyoming).	6/25/15
68.	Sec. 120 of FY 16 Inter. Approps. (H.R. 2822)	Calvert [R-CA]	House Interior Appropriations Bill of 2016; Elephant Ivory	Blocks the implementation & enforcement of FWS's proposed regulations to crack down on ivory trafficking and the illegal sale of elephant ivory.	6/25/15
69.	Sec. 117 of FY 16 Inter. Approps. (H.R. 2822)	Calvert [R-CA]	House Interior Appropriations Bill of 2016; Sage-Grouse	Delays a potential ESA listing for the greater sage-grouse and the Columbia Basin population by 1 year.	6/25/15
70.	H.R. 2910	Gosar [R-AZ]	Mexican Wolf Transparency and Accountability Act	Removes ESA protections from the Mexican gray wolf – the most endangered population of wolves in the country.	6/25/15
71.	*Sec. 128 of FY 16 Inter. Approps. (S. 1645) (offered as amendment)	Moran [R-KS]	Senate Interior Appropriations Bill of 2016; Lesser-Prairie Chicken	Blocks federal funding for the threatened lesser prairie-chicken under the ESA, thwarting recovery efforts for this imperiled southwestern bird.	6/23/15
72.	Sec. 110 of FY 16 Inter. Approps. (S. 1645).	Murkowski [R-AK]	Senate Interior Appropriations Bill of 2016; Gray Wolves	Directs the Secretary of the Interior to reissue the final rules published on Dec. 28, 2011 (on the status of the gray wolf in the western great lakes), and Sept. 10, 2012 (on the status of the gray wolf in Wyoming).	6/23/15
73.	Sec. 119 of FY 16 Inter. Approps. (S. 1645)	Murkowski [R-AK]	Senate Interior Appropriations Bill of 2016; Sage-Grouse	Delays a potential ESA listing for all four sage grouse species by 1 year.	6/23/15

Last Updated 12/21/16 • Bills listed in reverse chronological order by latest action • House/Senate companion bills are grouped together • * indicates favorable vote in ≥ 1 chamber



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

INDEX OF BILLS & AMENDMENTS					
Count	Bill Number	Bill Sponsor	Title	Impact of Bill	Last action
74.	H.R. 2735	Conaway [R-TX]	Accountable Recovery Act	Requires the Secretary to establish “objective numerical recovery goals” for species’ recovery plans in contravention of the ESA’s science-based process & allows for automatic removal of ESA protections if the Secretary fails to respond to petitions alleging those goals have been met.	6/11/15
75.	S. Amdt. 1709 to Senate Amdt. 1463 to replace the House FY 16 NDAA (H.R. 1735)	Gardner [R-CO]	Senate National Defense Authorization Act; Sage-grouse	Delays a potential ESA listing for the greater sage-grouse for at least 6 years; derails the National Greater Sage-Grouse Planning Strategy and transfers up to 60 million acres of public land to states	6/4/15
76.	S. Amdt. 1678 to S. Amdt. 1473 to Senate Amdt. 1463 to replace the House FY 16 NDAA (H.R. 1735)	Lee [R-UT]	Senate National Defense Authorization Act; Sage-grouse, Lesser prairie-chicken, & American Burying Beetle	Delays a potential ESA listing for the greater sage-grouse for at least 10 years; derails the National Greater Sage-Grouse Planning Strategy and transfers up to 60 million acres of public land to states; delists the threatened	6/4/15
77.	*H. Amdt. 354 to CJS Appropriations (H.R. 2578)	Denham [R-CA]	Commerce, Justice, and Science Appropriations Act; salmon & steelhead	Prohibits NOAA from implementing recovery plans for salmon & steelhead in Central Valley if plans don’t address predation.	6/3/15
78.	H.R. 1335	Young [R-AK]	Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act	Undermines the ESA by seeking to put fishery management councils in charge of recovering endangered and threatened species.	6/2/15
79.	H.R. 2109	Huizenga [R-MI]	Endangered Species Litigation Reasonableness Act	Restricts citizens’ ability to recover litigation costs under the ESA.	6/1/15
80.	Sec. 313 of the Senate NDAA (S. 1376) & Senate Amdt. 1463 to replace the House NDAA	McCain [R-AZ] (sponsor of S. 1376)	Senate National Defense Authorization Act; Establishment of the Southern Sea Otter Military Readiness Areas	Weakens the ESA and MMPA by unnecessarily giving the U.S. Navy broad exemptions to both statutes, allowing their activities to potentially kill, injure, and otherwise harm threatened sea otters.	5/19/15



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

INDEX OF BILLS & AMENDMENTS					
Count	Bill Number	Bill Sponsor	Title	Impact of Bill	Last action
81.	H.R. 2352	Neugebauer [R-TX]	State, Tribal, and Local Species Transparency and Recovery Act	Prioritizes state, tribal, and local data as “best science available.”	5/15/15
82.	S. 736	Enzi [R-WY]	State, Tribal, and Local Species Transparency and Recovery Act	Prioritizes state, tribal, and local data as “best science available.”	5/6/15
83.	S. 1036	Gardner [R-CO]	Sage Grouse Protection and Conservation Act	Delays an ESA listing for greater sage-grouse for at least 6 years.	5/6/15
84.	H.R. 1997	Stewart [R-UT]	Sage Grouse Protection and Conservation Act	Delays an ESA listing for greater sage-grouse for at least 6 years.	4/23/15
85.	S. 655	Thune [R-SD]	To prohibit the use of funds by the Secretary of the Interior to make a final determination on the listing of the northern long-eared bat	Prevents FWS from spending money to make a final listing determination on the northern long-eared bat.	5/6/15
86.	H.R. 1589	Noem [R-SD]	To prohibit the use of funds by the Secretary of the Interior to make a final determination on the listing of the northern long-eared bat	Prevents FWS from spending money to make a final listing determination on the northern long-eared bat.	3/24/15
87.	S. 293	Cornyn [R-TX]	To amend the ESA to establish a procedure for approval of certain settlements	Requires the Secretary of the Interior to publish all complaints filed under the ESA; amends the ESA to include a rebuttable presumption that all affected parties can intervene in lawsuit.	5/6/15
88.	H.R. 585	Flores [R-TX]	To amend the ESA to establish a procedure for approval of certain settlements	Requires the Secretary of the Interior to publish all complaints filed under the ESA; amends the ESA to include a rebuttable presumption that all affected parties can intervene in lawsuit.	3/17/15
89.	S. 292	Cornyn [R-TX]	21 st Century Endangered Species Transparency Act	Has the potential to have a chilling effect on scientific research.	5/6/15
90.	H.R. 1667	Lummis [R-WY]	21 st Century Endangered Species Transparency Act	Has the potential to have a chilling effect on scientific research.	3/26/15
91.	S. 112	Heller [R-NV]	Common Sense in Species Protection Act	Injects inappropriate “cumulative economic effects” analysis into designation of critical habitat.	5/6/15
92.	H.R. 2098	Crawford [R-AR]	Common Sense in Species Protection Act	Injects inappropriate “cumulative economic effects” analysis into designation of critical habitat.	4/29/15



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

INDEX OF BILLS & AMENDMENTS					
Count	Bill Number	Bill Sponsor	Title	Impact of Bill	Last action
93.	H.R. 2134	Olson [R-TX]	Listing Reform Act	Makes listing petitions unenforceable by removing deadlines for agencies to respond, and puts a price tag on species' survival.	4/30/15
94.	S. 1142	Lee [R-UT]	Native Species Protection Act	Prevents intrastate species from being listed under the ESA. Could lead to countless extinctions, since states are not adequately funded to protect and recover imperiled species.	4/30/15
95.	H.R. 1985	Newhouse [R-WA]	Pacific Northwest Gray Wolf Management Act of 2015	Removes federal protections for gray wolves in Washington, Oregon, and Utah.	4/23/15
96.	H.R. 1668	McClintock [R-CA]	Save our Water Act	Suspends the ESA in particular river basins when the Secretary of the Interior, Secretary of the Army, or the Governor of the relevant state declares there is a drought.	4/22/15
97.	*S. Amdt. 422 to Budg. Res. (S. Con. Res. 11)	Thune [R-SD]	To establish a deficit-neutral reserve fund (DNRF) to ensure that the conservation of northern long-eared bat & local economies are compatible	Indefinitely delays ESA listing for the northern long-eared bat.	3/27/15
98.	*S. Amdt. 659 to Budg. Res. (S. Con. Res. 11)	Cotton [R-AR]	To establish a spending-neutral reserve fund (SNRF) to ensure proper economic consideration in designation of critical habitat	Injects inappropriate "cumulative economic effects" analysis into designation of critical habitat.	3/27/15
99.	S. Amdt. 452 to Budg. Res. (S. Con. Res. 11)	Heller [R-NV]	To establish a SNRF to ensure that Interior enters into CCAs with 11 relevant states before FWS makes listing determination for greater sage-grouse	Indefinitely delays ESA listing for the greater sage-grouse.	3/27/15
100.	S. Amdt. 412 to Budg. Res. (S. Con. Res. 11)	Rounds [R-SD]	To establish a DNRF to prevent EPA and FWS from engaging in closed-door settlement agmts that ignore States & counties.	Undermines the ability of citizens to enforce bedrock environmental laws.	3/27/15
101.	S. Amdt. 759 to Budg. Res. (S. Con. Res. 11)	Lee [R-UT]	To establish a SNRF relating to clarifying federal jurisdiction with respect to intrastate species	Prevents intrastate species from being listed under the ESA. Could lead to countless extinctions, since states are not adequately funded to protect and recover imperiled species.	3/26/15
102.	S. Amdt. 861 to Budg. Res. (S. Con. Res. 11)	Lee [R-UT]	To establish a SNRF to equalize the treatment of attorney's fees under ESA and EAJA	Undermines the ability of citizens to enforce the ESA by restricting citizens' ability to recover litigation costs.	3/25/15



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

INDEX OF BILLS & AMENDMENTS					
Count	Bill Number	Bill Sponsor	Title	Impact of Bill	Last action
103.	S. Amdt. 606 to Budg. Res. (S. Con. Res. 11)	Daines [R-MT]	To establish a DNRF relating to African elephant ivory	Exempts objects containing “antique” ivory from trade restrictions on ivory, potentially encouraging poaching of elephants.	3/24/15
104.	S. Amdt. 497 to Budg. Res. (S. Con. Res. 11)	Inhofe [R-OK]	To establish a SNRF to protect jobs by preventing fed. agencies from overriding state efforts to conserve species	Defers “conservation planning and implementation” from the fed. govt. to states and local government.	3/24/15
105.	H.R. 843	Kline [R-MN]	Western Great Lakes Wolf Management Act of 2015	Strips all and any federal protections (threatened, endangered, essential experimental population, or nonessential experimental population) from gray wolves in MN, WI, and MI.	3/16/15
106.	H.R. 884	Ribble [R-WI]	To direct the Secretary of the Interior to reissue final rules relating to listing of the gray wolf in the Western Great Lakes and Wyoming	Directs the Secretary of the Interior to reissue the final rules published on Dec. 28, 2011 (on the status of the gray wolf in the western great lakes), and Sept. 10, 2012 (on the status of the gray wolf in Wyoming); removes judicial review	2/11/15
107.	H.R. 659	Mullin [R-OK]	Lesser Prairie Chicken Voluntary Recovery Act of 2015	Delists the lesser prairie-chicken and prohibits further treatment of the species as threatened or endangered before Jan. 31, 2020	2/2/15
108.	S. Amdt. 244 to Keystone (S. 1)	Johnson [R-WI]	Prohibition on listing the northern long-eared bat as an endangered species	Prevents FWS from listing the northern long-eared bat as an endangered species under the ESA	1/27/15
109.	S. Amdt. 243 to Keystone (S. 1)	Johnson [R-WI]	Prohibition on listing the northern long-eared bat as an endangered species	Prevents FWS from listing the northern long-eared bat as an endangered species under the ESA	1/27/15
110.	S. Amdt. 73 to Keystone (S. 1)	Moran [R-KS]	To delist the lesser prairie-chicken as a threatened species under the ESA	Delists the lesser prairie-chicken as a threatened species under the ESA & prevents a future threatened listing	1/28/15
111.	S. Amdt. 33 to Keystone (S. 1)	Lee [R-UT]	Award of litigation costs to prevailing parties in accordance with existing law	Restricts citizens’ ability to recover litigation costs under the ESA	1/21/15
112.	S. Amdt. 34 to Keystone (S. 1)	Lee [R-UT]	Disclosure of expenditures under the ESA	Establishes burdensome reporting requirements about ESA litigation and builds a false case against citizen enforcement.	1/13/15
CATEGORY 2: Bills that exempt projects from provisions of the ESA					
113.	H.R. 866	Black [R-TN]	Federal Land Freedom Act of 2015	Transfers responsibility for leasing, permitting, and regulating energy development on public lands from fed.	11/15/16



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

INDEX OF BILLS & AMENDMENTS					
Count	Bill Number	Bill Sponsor	Title	Impact of Bill	Last action
				govt. to states and waives environmental laws, including the ESA	
114.	S. 490	Inhofe [R-OK]	Federal Land Freedom Act of 2015	Transfers responsibility for leasing, permitting, and regulating energy development on public lands from fed. govt. to states and waives environmental laws, including the ESA	2/12/15
115.	H.R. 3682 , Title IX, Chapter 3	Guthrie [R-KY]	Protection Investment in Oil Shale the Next Generation of Environmental, Energy, and Resource Security Act (PIONEERS Act)	ESA sufficiency provisions for oil shale management regulations	9/30/16
116.	Sec. 136 of H.R. 4441	Shuster [R-PA], LoBiondo [R-NJ]	Critical Habitat on or near Airport Property	Injects politics into the science-based critical habitat designation process prescribed under the ESA by instructing the Secretary of Transportation to work with FWS & NMFS on critical habitat designations.	2/11/16
117.	*Secs. 1203-1208 of H.R. 8	McMorris Rodgers [R-WA]	Hydropower Licensing and Process Improvements	Gives the Federal Energy Regulatory Commission (FERC) the power to evade environmental laws, including the ESA.	12/7/15
118.	H. Amdt. 670 to H.R. 2898	LaMalfa [R-CA]	Klamath Project Consultation Applicants	Gives water contractors more influence than other stakeholders in the ESA process for a federal irrigation project in Oregon and California.	7/16/15
119.	H.R. 2316	Labrador [R-ID]	Self-Sufficient Community Lands Act	Subjects federal National Forest land to less-protective ESA measures normally reserved for state-owned land & private land	6/8/15
120.	S. Amdt. 1633 to the NDAA (S. 1376)	McCain [R-AZ]	ESA Waiver for Borderlands	Waives federal law (including the ESA) for border security activities on national parks, monuments, forests, refuges, and other public lands within 100 miles of U.S./MX border.	6/4/15
121.	H.R. 2086	Denham [R-CA]	To direct the Secretary of Commerce to develop and conduct a pilot program to remove nonnative predator fishes from the Stanislaus River, California	Establishes a pilot program for removing predator fish in Stanislaus river and declares that it complies with ESA §10(A)(2), preempts State permit requirements, and waives NEPA	5/26/15
122.	S. 468	Hatch [R-UT]	Sage-Grouse and Mule Deer Habitat and Conservation and Restoration Act of	Creates a categorical exclusion under NEPA for conifer control projects to conserve sage-grouse or mule deer on public lands.	5/6/15



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

INDEX OF BILLS & AMENDMENTS					
Count	Bill Number	Bill Sponsor	Title	Impact of Bill	Last action
123.	H.R. 1793	Stewart [R-UT]	Sage-Grouse and Mule Deer Habitat Conservation and Restoration Act of 2015	Creates a categorical exclusion under NEPA for conifer control projects to conserve sage-grouse or mule deer on public lands.	4/14/15
124.	H. Amdt. 208 to H.R. 2028	McClintock [R-CA]	Amdt. to Energy and Water Development and Related Agencies Appropriations Act 2016	Forbids the use of funds appropriated under this Act from being used to purchase water to supplement or enhance instream flow requirements in California mandated by the ESA, the Central Valley Project Improvement Act, or NEPA.	5/1/15
125.	H.R. 1487	Bridenstine [R-OK]	American Energy Renaissance Act of 2015	ESA sufficiency provisions for Keystone XL and oil shale management regulations	4/8/15
126.	S. 791	Cruz [R-TX]	American Energy Renaissance Act of 2015	ESA sufficiency provisions for Keystone XL and oil shale management regulations	3/18/15
127.	*S. 1	Hoeven [R-ND]	Keystone XL Pipeline Act	ESA sufficiency provision for the pipeline	3/4/15
128.	*H.R. 3	Cramer [R-ND]	Keystone XL Pipeline Act	ESA sufficiency provision for the pipeline	1/12/15
129.	H.R. 399	McCaul [R-TX]	Secure our Borders First Act of 2015	Waives 16 environmental, historic preservation & conservation laws on Fed public and tribal lands, including the ESA	1/27/15
130.	S. 208	Johnson [R-WI]	Secure our Borders First Act of 2015	Waives 16 environmental, historic preservation & conservation laws on Fed public and tribal lands, including the ESA	1/21/15



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
CATEGORY 1: Direct attacks, species-specific attacks, and amendments to the ESA			
<p>*Secs. 4001, 4003, 4007 & 4013 of S. 612 California Water Provisions; the Water Infrastructure Improvements for the Nation Act ("WIIN Act")</p> <p>2/27/15 Introduced</p> <p>*12/8/16 Bill passed House 360-61</p> <p>*12/10/16 Senate passed bill with House amendment 78-21</p> <p>*12/16/16 Signed by President</p>	<p>Feinstein [D-CA] McCarthy [R-CA]</p>	<p>Rep. McCarthy, with the agreement of Senator Feinstein, added a last-minute anti-environmental, California drought rider to the "Water Infrastructure Improvements for the Nation Act," previously the "Water Resources Development Act." These drought provisions would undermine existing environmental protections for salmon and other endangered species, threaten serious and irreversible harm to the environment and are counterproductive to finding lasting solutions to California's water management challenges. It is inconsistent with existing biological opinions under the ESA, which have been fully upheld by the federal courts and which undergo independent scientific peer review every year. The language provides that for the next 5 years, operations of the Central Valley Project can, and in some cases must, violate the Endangered Species Act:</p> <ul style="list-style-type: none"> • Authorizes the Trump Administration to override protections required by the Endangered Species Act, allowing them to exceed the pumping limits permitted under applicable biological opinions protecting salmon and other fish species. (Section 4003) • Mandating operations of the Central Valley Project that override the protections required by the biological opinions for salmon and other endangered species. (Section 4001(b)(1), Section 4001(b)(7)) • Maximizing the diversion of water supplies for corporate agriculture rather than ensuring that water diversions are compatible with healthy rivers (Section 4001) • Provides that these operational provisions are in effect for 5 years (Section 4013) 	<p>President Obama's White House and Interior Department explained earlier this year that similar language would violate the Endangered Species Act and opposed such language. This approach would lead to extensive litigation, because similar protections are already required under State law. Federal agencies have recently reinitiated consultation to develop new operational rules for the State and Federal water projects, in recognition of the fact that endangered winter run Chinook salmon and other species are on the brink of extinction, and in order to incorporate new scientific information and involve all stakeholders. This legislative effort replaces biological science with political science.</p> <p>This bill is not just about California. First, the operational provisions would harm thousands of fishing jobs across the West Coast, which are supported by salmon from the Central Valley. That is why the Pacific Fishery Management Council and Representatives from Oregon and Washington oppose similar legislative proposals.</p>



Last Updated 12/21/16 • Bills listed in reverse chronological order by latest action • House/Senate companion bills are grouped together • * indicates favorable vote in ≥ 1 chamber



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
Emergency Drought Relief Act 2/10/16 Introduced; referred to the Energy & Natural Resources Cmte.		during the spring in order to help migrating salmon and steelhead successfully pass the pumps.	
*Sec. 477 of the FY 17 House Inter. Approps. Bill (H.R. 5538) (added as floor amdt) 7/8/16 Amdt. filed 7/12 – 7/14/16 Floor consideration *7/13/16 Amdt. passed House 223-201 *7/14/16 Bill passed House 231-196	Newhouse [R-WA]	This amendment would block all Endangered Species Act (ESA) protections for gray wolves in the continental United States by 2017. This species is currently listed as endangered in most of the lower-48 states. While the return of gray wolves in the Northern Rockies and the Great Lakes has been an incredible success story, this iconic American species still only occupies a small portion of its former range and wolves have only just started to re-enter areas like northern California, where there are large swaths of suitable habitat. A national delisting for wolves would reverse the incredible progress that the ESA has achieved for this species over the past few decades and once again put the gray wolf at risk of extinction.	Gray wolves once dominated the western landscape, but widespread killing virtually wiped them out in the continental United States by the 1940s. Thanks to recovery efforts made possible by the ESA, wolves have returned to the Northern Rockies and the Western Great Lakes region. In 2013, the FWS issued a proposed rule to strip federal protections for wolves nationwide, except for a tiny population of highly imperiled Mexican wolves in the American Southwest. This proposal has been widely criticized and rejected by a panel of independent scientists.
*Sec. 496 of the FY 17 House Inter. Approps. Bill (H.R.	Westmoreland [R-AR]	This amendment seeks to discourage citizens from enforcing essential protections of the Endangered Species Act, the Clean Air Act, and the Clean Water Act. The amendment targets settlements involving congressionally mandated federal agency	Today, if the government is sued for missing a deadline or other non-discretionary requirement, the case is often settled, since there are no defenses for missing a deadline. The settlement goes to only one issue – when



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
5538) (added as floor amdt) 7/8/26 Amdt. filed 7/12 – 7/14/16 Floor consideration *7/13/16 Amdt. passed House 226-202 *7/14/16 Bill passed House 231-196		actions, including requirements to protect public health and the environment. Congress long ago recognized that the government needs citizens to be partners in enforcing all manner of America's laws, including environmental protection laws, and this principle is enshrined in the numerous federal laws that provide reasonable fee recovery for successful plaintiffs. This nonsensical provision would change this by barring payment of citizens' legal fees whenever parties avoid costly litigation by agreeing to a settlement.	the new deadline will be. An August, 2015 Government Accountability Office report surveyed settlements over deadlines for major U.S. Environmental Protection Agency rulemakings and found that the settlements did not include terms that finalized the substantive outcome of rule. This amendment would make it harder for federal agencies to meet congressionally-mandated requirements to protect public health and the environment. It would prohibit government funds from being spent on legal fees if a citizen lawsuit brought to enforce the ESA, CAA or CWA resulted in a settlement. So-called "sue and settle" amendments throw in obstacles to settlements brought under these three bedrock laws, making it more difficult for citizen to hold federal agencies to their statutory deadlines, and needlessly burdening our courts and draining limited judicial resources. Congress long ago recognized that the government needs citizens to be partners in enforcing all manner of America's laws, including environmental protection laws, and this principle is enshrined in the numerous federal laws that provide reasonable fee recovery for successful plaintiffs. This nonsensical amendment would change this by barring payment of citizens' legal fees whenever parties avoid costly litigation by agreeing to a settlement.
*Sec. 494 of the FY 17 House Inter. Approps. Bill (H.R. 5538) (added as floor amdt) 7/7/16	Pearce [R-NM]	This amendment would block federal funding for the endangered Mexican gray wolf under the Endangered Species Act (ESA) even though there are fewer than 100 of these rare wolves left in the United States and fewer than 25 in Mexico. It would also limit recovery to "historic range," even though the extent of that range is far from clear, and scientists say the wolves must be restored to new habitats to recover. Blocking	Essentially eradicated from the southwestern United States by the 1930s, the Mexican gray wolf is one of the most endangered mammals in North America. In a last-ditch effort to save this rare wolf, in the late 1970s and early 1980s the U.S. Fish and Wildlife Service captured the few left in the wild in Mexico and started a captive breeding program. In 1998, the first 11 captive-bred



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>Amdt. filed</p> <p>7/12 – 7/14/16 Floor consideration</p> <p>*7/13/16 Amdt. passed House 219-203</p> <p>*7/14/16 Bill passed House 231-196</p>		<p>federal funding to help recover these wolves and keeping them out of suitable habitats they need to recover is a recipe for extinction.</p>	<p>Mexican gray wolves were released in southeastern Arizona. These wolves immediately demonstrated their ability to adapt and survive, forming packs, preying on elk, establishing territories and reproducing.</p> <p>All of the Mexican gray wolves in the wild today are descendants of just seven wild founders of the captive breeding program. These wolves are threatened by illegal killings, a lack of genetic diversity, and the hijacking of the recovery program by state agencies and others who do not acknowledge the best available science. Ideological opponents of Mexican gray wolf recovery continue to try to run out the clock on the Mexican gray wolf. With so few individuals and such a small genetic base, delisting, or delaying recovery actions and development of an adequate recovery plan means extinction.</p>
<p>*Sec. 478 of the FY 17 House Inter. Appropri. Bill (H.R. 5538) (added as floor amdt)</p> <p>7/7/16 Amdt. filed</p> <p>7/12 – 7/14/16 Floor consideration</p> <p>*7/13/16 Amdt. passed House by voice vote</p>	Pearce [R-NM]	<p>This amendment would block federal funding for the endangered New Mexico Meadow Jumping Mouse under the Endangered Species Act (ESA), thwarting recovery efforts for the rare southwestern subspecies, which has suffered a significant reduction in occupied localities due to habitat loss and fragmentation throughout its range. It would eliminate crucial recovery programs for the mouse that require federal funding, such as development and approval of Habitat Conservation Plans, and leave stakeholders uncertain about whether projects can go forward without violating the ESA.</p>	<p>The New Mexico meadow jumping mouse is a unique subspecies of meadow jumping mouse; it is a water-loving animal that lives only along the banks of southwestern streams. Unlike other subspecies of meadow jumping mouse, it is never found in meadows or grasslands without suitable perennial water and riparian habitat. It is rarely found more than a few feet from running water. The jumping mouse requires tall (24 inches) and dense herbaceous riparian vegetation composed primarily of sedges and forbs. These small creatures can make leaps of up to three feet, ten times the length of their bodies. They are also unique because of the amount of sleep they need. New Mexico meadow jumping mice that live in the mountainous areas of their range may hibernate for 10 months out of the year.</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>*7/14/16 Bill passed House 231-196</p>			<p>These mice are naturally rare and scattered across isolated population centers. Riparian areas, which comprise their habitat, make up less than 1 percent of the landmass in the Southwest. The mouse has been extirpated from 70 to 80 percent of its historic range, which extended from southwestern Colorado into the Rio Grande Valley in New Mexico and the White Mountains in Arizona. They are now found only in 5 isolated mountain ranges in Colorado, New Mexico, and Arizona, and in the Rio Grande Valley. In all historical locations surveyed since 2000, populations have undergone large declines and in some cases may have completely disappeared.</p> <p>The New Mexico meadow jumping mouse was listed as endangered by the USFWS in a final listing rule published on June 10, 2014 (79 Fed. Reg. 33119) and critical habitat was designated in a final rule published on March 16, 2016 (81 Fed. Reg. 14264).</p>
<p>*Sec. 476 of the FY 17 House Inter. Appropri. Bill (H.R. 5538) (added as floor amdt)</p> <p>7/7/16 Amdt. filed</p> <p>7/12 – 7/14/16 Floor consideration</p> <p>*7/13/16 Amdt. passed House 228-199</p>	Lamborn [R-CO]	<p>This amendment would block federal funding for the threatened Preble's Meadow Jumping Mouse under the Endangered Species Act (ESA), thwarting recovery efforts for this western species, which continues to experience habitat loss and face other threats throughout its range. It would eliminate crucial recovery programs for the mouse that require federal funding, such as development and approval of Habitat Conservation Plans, and leave stakeholders uncertain about whether projects can go forward without violating the ESA.</p>	<p>The Preble's meadow jumping mouse is a small, unique subspecies of meadow jumping mouse with large hind feet adapted for jumping. It can jump up to three feet – over three times the length of its body. The mouse lives primarily in heavily vegetated, shrub dominated riparian habitats and can be found throughout seven counties in the mountain prairie regions of Colorado and Wyoming. The mouse was first listed as threatened in 1998 and continues to face a number of threats, including habitat loss and degradation caused by agricultural, residential, commercial and industrial development throughout its range. The mouse's threatened status has compelled communities that are building new water projects to leave areas undisturbed for mouse habitat, park managers to keep hikers and</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>*7/14/16 Bill passed House 231-196</p>			<p>bikers on trails and ranchers to take extra care in maintaining drainage ditches where the mice can cluster.</p> <p>Among other industries, developers and the oil and gas industry have complained about the mouse's status and have attempted to remove ESA protections through other channels. In 2011, the U.S. Fish and Wildlife Service (FWS) reinstated protections for the mouse in Wyoming to comply with a court order. And as of 2013, in response to two delisting petitions, the Service found that removing ESA protections from the Preble's meadow jumping mouse was not warranted based on the best available science.</p>
<p>*Sec. 475 of the FY 17 House Inter. Approps. Bill (H.R. 5538) (added as floor amdt)</p> <p>7/7/16 Amdt. filed</p> <p>7/12 – 7/14/16 Floor consideration</p> <p>*7/13/16 Amdt. passed House 238-190</p> <p>*7/14/16 Bill passed House 231-196</p>	Lamborn [R-CO]	<p>This amendment would devastate conservation and recovery efforts for listed species by removing federal funding for a protected species any time the U.S. Fish and Wildlife Service (FWS) fails to meet its obligation to complete a 5-year review of the species' status as required by the Endangered Species Act (ESA). Lack of a formal five-year review should not impact ongoing conservation efforts, which are aimed at recovering species to the point where federal protection is no longer required. This amendment would inevitably leave many species in a state of limbo, because they would retain their ESA status, but all federal funding for recovery efforts, law enforcement efforts, and consultations would be blocked. The amendment would also put many landowners and industries at risk to the extent that they could no longer obtain federal permits but could still be subject to liability under the Act.</p>	<p>The ESA and its regulations require the FWS and the National Marine Fisheries Service to complete status reviews for all listed species every 5 years. 16 U.S.C. §1533(c)(2); 50 C.F.R. §424.21. With nearly 1,600 plants and animals listed in the United States, each requiring a 5-year review, the FWS often lacks the funds to complete these reviews on time. Some industry groups have seized on this failing and are now pressuring the FWS and NMFS to conduct timely status reviews. These efforts are aimed at forcing the agency into premature delisting decisions or to provide the basis for litigation if the agency retains the species' listing.</p> <p>This misguided amendment would remove ESA funding for protected species every time the agency fails to conduct its 5-year review on time. Federal agencies, industries, and landowners would still be responsible for compliance but FWS would be prevented from spending any money on recovery efforts, law enforcement efforts, and consultations. The impacts</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
			would be severe both for species and the regulated community.
H. Amdt. 52 to the FY 17 House Inter. Approps. Bill (H.R. 5538) (not ruled in order) 7/7/16 Amdt. filed 7/12 – 7/14/16 Floor consideration 7/14/16 Bill passed House 231-196 (this amdt not included)	Huizenga [R-MI]	This amendment would limit a prevailing citizen's request for reimbursement under the Endangered Species Act to the restrictions of the Equal Access to Justice Act (EAJA). While EAJA affords a vital means of court access for citizens, EAJA's hourly fee cap is outdated and inadequate. In subjecting ESA citizen enforcement cases to EAJA's below-market cap on attorneys' fees, this amendment would make it more difficult for citizens from across the political spectrum to challenge illegal government actions.	By enacting the Equal Access to Justice Act (EAJA), Congress recognized that individuals and organizations should "not be deterred from seeking review of, or defending against, unjustified governmental action because of the expense involved." Under the statute those who do not have deep pockets can fight back against perceived injustice or abuse by the government. However, EAJA's hourly fee cap is outdated and insufficient to provide effective legal counsel to individuals and organizations alike. This amendment would thwart citizen enforcement of one of our nation's most effective, popular environmental laws – the Endangered Species Act. It would also establish a dangerous precedent, threatening every other statute that Congress has secured with a fee recovery provision.
H. Amdt 141 to the FY 17 House Inter. Approps. Bill (H.R. 5538) (not ruled in order) 7/7/26 Amdt. filed 7/12 – 7/14/16 Floor consideration 7/14/16 Bill passed House by a vote	Costa [D-CA]	This amendment would prevent the U.S. Fish and Wildlife Service (FWS) from taking timely action to prevent the extinction of the delta smelt. It would block the FWS from making any changes to the reasonable and prudent alternative in the Delta smelt biological opinion for the long-term operations of the Central Valley Project and State Water Project unless all the scientific data relied upon is externally peer reviewed. Courts have rejected this high bar for the Endangered Species Act's best available science standard.	There's no requirement in law that all data for a biological opinion be externally peer reviewed. Such a requirement would prevent the FWS from using the best available science and taking action in a timely manner to prevent extinction. This amendment would prevent the FWS from using new scientific information currently being developed by the State and the agency with respect to delta smelt and the need for additional outflow in the spring, summer and fall. This would exclude all gray literature and any data or analysis that had not undergone external peer review.



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
of 231-196 (this amdt. not included)			
H. Amdt 116 to the FY 17 House Inter. Approps. Bill (H.R. 5538) (not ruled in order) 7/8/16 Amendment filed 7/12 – 7/14/16 Floor consideration 7/14/16 Bill passed House by a vote of 231-196 (this amdt not included)	Yoho [R-FL]	This amendment seeks to force the U.S. Fish and Wildlife Service to accelerate another review of the currently threatened Gulf sturgeon, with the intent of delisting the species. The amendment seeks to circumvent the best available science, which has concluded that because of threats to habitat, pollution, ship strikes, and climate change, the species still warrants protections under the ESA.	The gulf sturgeon is a prehistoric fish that traces its ancestry back 200 million years. It reaches lengths of up to nine feet and can weigh up to 300 pounds. The Gulf sturgeon is an excellent indicator of the health of the aquatic system. It is found in a wide diversity of habitats and has persisted in less than optimal conditions. The species was initially listed as threatened in 1991, and the FWS designated critical habitat in 2003. The last five-year status review for the fish was in 2009. At that time, the FWS determined that the fish's threatened status was still warranted.
*Secs. 447-452 of the FY 17 Inter. Approps. Bill (H.R. 5538) – CA Water (added by cmte. amdt) 6/15/16 Amendment offered and adopted in cmte. 6/21/16	Valadao [R-CA]	This rider would permanently override protections for salmon and other native fisheries under the ESA in California's Bay-Delta estuary and substitute political judgment for existing scientific determinations. It also includes several provisions that would apply across Western states, which would reduce public and environmental reviews of new dams and water infrastructure, reduce funding for the Bureau of Reclamation, and limite the federal government's ability to manage and protect water resources.	California's ongoing drought – not federal environmental laws protecting salmon and other native fish and wildlife – is the primary reason for low water supplies across the state. This bill would dramatically weaken protections for salmon, migratory birds and other wildlife in the estuary, and effect the thousands of fishing jobs in California and Oregon that depend on the health of these species. This rider, which mirrors language from H.R. 2898, is not a temporary response to drought, but instead would permanently amend and override the requirements of the ESA and other federal laws. For example, under the proposed legislation, critical environmental review and public input under the



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>Bill reported out by the Appropriations cmte.</p> <p>7/11/16 Rules cmte. reported rule providing for consideration of bill</p> <p>7/12/16 House passed rule</p> <p>7/12 – 7/14/16 Floor consideration</p> <p>*7/14/16 Bill passed House by a vote of 231-196</p>			<p>National Environmental Policy Act would be either severely limited or completely eliminated for new dams and other water storage projects across the west. Moreover, several provisions of the bill would preempt state law, including a provision (section 313) that would repeal and override state and federal laws, a court order, and a binding settlement agreement to restore the San Joaquin River. The bill attempts to scapegoat environmental protections for the lack of rain and snow, and it threatens thousands of fishing jobs in California, Oregon, and beyond that depend on healthy salmon runs from the Bay-Delta. The closure of the salmon fishery in 2008 and 2009 resulted in thousands of lost jobs in these states. The livelihoods of commercial and recreational salmon fishermen, Delta farmers, fishing guides, tackle shops, and communities across California and along the West Coast depend on the environmental protections that H.R. 2898 would eliminate.</p>
<p>*Sec. 445 of the FY 17 Inter. Approps. Bill (H.R. 5538) – Lesser Prairie Chicken (added by cmte. amdt)</p> <p>6/15/16 Amendment offered and adopted in cmte.</p>	Yoder [R-KS]	<p>This amendment would prohibit the use of funds to implement or enforce a threatened or endangered listing of the lesser prairie-chicken. It would thwart recovery efforts for the imperiled lesser prairie-chicken by cutting off all funding to the species if it regains protections under the ESA.</p>	<p>In 2014, the FWS listed the lesser prairie-chicken as threatened. The listing was accompanied by a special 4(d) rule that exempted numerous land use activities from the requirements of the ESA, including oil and gas development and agricultural uses that met certain standards. In September 2015, a federal judge in Texas vacated FWS's decision to list the lesser prairie-chicken as threatened, finding that the agency had failed to adequately consider whether existing voluntary conservation programs would help stem the bird's decline. FWS is now expected to re-propose the bird for listing. This amendment would not block the FWS from proposing to list the lesser prairie chicken as threatened</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>6/21/16 Bill reported out by the Appropriations cmte.</p> <p>7/11/16 Rules cmte. reported rule providing for consideration of bill</p> <p>7/12/16 House passed rule</p> <p>7/12 – 7/14/16 Floor consideration</p> <p>*7/14/16 Bill passed House by a vote of 231-196</p>			<p>or endangered once again. Instead, it would eliminate funding for crucial recovery programs the species would receive if it regains protections under the ESA. It would also eliminate funding for consultations under the ESA, meaning that federally-funded projects throughout the species' range would effectively be put on hold because the federal wildlife agencies would be unable to authorize projects or approve permits without doing the required ESA consultations.</p> <p>Not only would this amendment continue the downward spiral for a species that experienced a 50% population drop in a single year – it would also put many federally-funded projects on hold and leave stakeholders with uncertainty. It would also slow down the recovery of species, inevitably increasing the ultimate total cost to save the lesser prairie-chicken from extinction.</p>
<p>Sec 114 (new) of the FY 17 Inter. Approps. Bill (H.R. 5538) – Greater Sage-Grouse (added by cmte. amdt)</p> <p>6/15/16 Amdt. offered & adopted in cmte.</p>	Amodei [R-NV]	<p>This rider would overturn a precedent-setting \$45 million public planning process to conserve the greater sage-grouse and prohibit the U.S. Fish and Wildlife Service (FWS) from even considering the species for protection under the ESA for at least a year. It would also prevent the withdrawal of 10 million acres of sage-grouse habitat from mineral leases.</p>	<p>This rider is really just another brazen power grab for federal lands and resources. The language would take the extraordinary step of transferring oversight of as many as 60 million acres of Bureau of Land Management (BLM) and Forest Service lands that are home to sage-grouse to western states by requiring that all federal conservation strategies comply with lesser state guidance for managing the bird. It would also grant governors unprecedented power to review and approve all future federal land use planning and management within the range of the species, allowing them to veto any proposal that does not comport with</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>6/21/16 Bill reported out by the Appropriations cmte.</p> <p>7/11/16 Rules cmte. reported rule providing for consideration of bill</p> <p>7/12/16 House passed rule</p> <p>7/12 – 7/14/16 Floor consideration</p> <p>*7/14/16 Bill passed House by a vote of 231-196</p>			<p>state preferences for use and development of federal lands. This rider would upend years of work by federal agencies, states, and local stakeholders to improve federal management plans across the West and throw management of these lands into chaos. The end result: at least \$45 million tax dollars wasted on federal planning processes and the grouse facing extinction again.</p>
<p>Sec. 119 of the FY 17 Inter. Approps. Bill (H.R. 5538) – Reissuance of Final Rules (Wolf Delisting)</p> <p>6/21/16 Bill reported out by the Appropriations cmte.</p>	Calvert [R-CA]	<p>Section 119 would undermine science-based decision making under the ESA by removing necessary federal protections for gray wolves in Michigan, Minnesota, Wisconsin, and Wyoming. This amendment overrides two federal court decisions that found the agency rules delisting wolves in Wyoming and the western Great Lakes region violated the ESA. Further, the amendment includes “no judicial review” clauses covering both court decision overrides – thus stripping the ability of citizens to further challenge these wolf delistings.</p>	<p>The appeals processes on the two federal court decisions impacting wolves in Wyoming, Michigan, Minnesota, and Wisconsin are still underway. It would be damaging for Congress to meddle in the ESA listing status of a particular species at any stage, but now is an especially bad time as these cases are still playing out in the courts. Moreover, the provision waiving judicial review is an affront to the citizen’s right to go to court to challenge government action.</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>7/11/16 Rules cmte. reported rule providing for consideration of bill</p> <p>7/12/16 House passed rule</p> <p>7/12 – 7/14/16 Floor consideration</p> <p>*7/14/16 Bill passed House by a vote of 231-196</p>			
<p>*Sec. 118 of the FY 17 Inter. Approps. Bill (H.R. 5538) – Fish Hatchery Programs</p> <p>6/21/16 Bill reported out by the Appropriations cmte.</p> <p>7/11/16 Rules cmte. reported rule providing for consideration of bill</p>	Calvert [R-CA]	<p>Section 118 would unnecessarily divert funding away from real solutions restoring the health of California's Bay-Delta estuary. Instead, it would attempt to fund fish hatcheries, which can mask the real problems facing native fish.</p>	<p>Scientists and conservation groups agree that conservation hatcheries do not address the underlying environmental problems that must be solved in order to save Delta Smelt and other native species in California's Bay-Delta estuary. In fact, hatcheries in California have not prevented the decline of native salmon populations.</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>7/12/16 House passed rule</p> <p>7/12 – 7/14/16 Floor consideration</p> <p>*7/14/16 Bill passed House by a vote of 231-196</p>			
<p>Sec. 114 (original) of the FY 17 Inter. Approps. Bill (H.R. 5538) – Sage-Grouse</p> <p>6/21/16 Bill introduced; reported out by the Appropriations cmte.</p> <p>7/11/16 Rules cmte. reported rule providing for consideration of bill</p> <p>7/12/16 House passed rule</p> <p>7/12 – 7/14/16</p>	Calvert [R-CA]	<p>Section 114 would prevent the FWS from listing the greater sage-grouse or Columbia Basin sage-grouse under the ESA for at least a year by prohibiting the agency from taking the first step toward a listing proposal – conducting a new status review.</p>	<p>Last September marked a milestone for the National Greater Sage-Grouse Planning Strategy when the Obama administration announced the completion of 14 regional plans to improve conservation and management on more than 60 million acres of public lands in the Sagebrush Sea. Citing these final plans and other factors, the U.S. Fish and Wildlife Service also determined that the sage-grouse no longer warrants protection under the ESA. This rider would prevent the FWS from reviewing the bird's status, even if the final land management plans implemented under the strategy failed to adequately protect the bird.</p>

Last Updated 12/21/16 • Bills listed in reverse chronological order by latest action • House/Senate companion bills are grouped together • * indicates favorable vote in ≥ 1 chamber



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
Floor consideration 7/14/16 Bill passed House by a vote of 231-196 (this section was amended)			
Sec. 119 of the FY 17 Senate Inter. Approps. Bill (S. 3068) – Reissuance of Final Rules (Wolves) 6/16/16 Bill introduced; Reported out by the Appropriations cmte.	Murkowski	Section 119 would undermine science-based decision making under the ESA by removing necessary federal protections for gray wolves in Michigan, Minnesota, Wisconsin, and Wyoming. This amendment overrides two federal court decisions that found the agency rules delisting wolves in Wyoming and the western Great Lakes region violated the ESA. Further, the amendment includes “no judicial review” clauses covering both court decision overrides – thus stripping the ability of citizens to further challenge these wolf delistings.	The appeals processes on the two federal court decisions impacting wolves in Wyoming, Michigan, Minnesota, and Wisconsin are still underway. It would be damaging for Congress to meddle in the ESA listing status of a particular species at any stage, but now is an especially bad time as these cases are still playing out in the courts. Moreover, the provision waiving judicial review is an affront to the citizen’s right to go to court to challenge government action.
Sec. 115 of the FY 17 Senate Inter. Approps. Bill (S. 3068) – Sage-Grouse 6/16/16 Bill introduced; reported out by the Appropriations cmte.	Murkowski	Section 115 would prevent the FWS from spending any funds to write or issue a proposed rule for the greater sage-grouse or Columbia Basin sage-grouse under the ESA for at least a year.	Last September marked a milestone for the National Greater Sage-Grouse Planning Strategy when the Obama administration announced the completion of 14 regional plans to improve conservation and management on more than 60 million acres of public lands in the Sagebrush Sea. Citing these final plans and other factors, the U.S. Fish and Wildlife Service also determined that the sage-grouse no longer warrants protection under the ESA. This rider would prevent the FWS from proposing to list the greater sage-grouse or Columbia Basin sage-grouse as threatened or endangered, even if the final land management plans implemented under the strategy failed to adequately protect the bird.



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>Sec. 111 of the FY 17 Senate Inter. Approps. Bill (S. 3068) – Lesser Prairie-Chicken</p> <p>6/16/16 Bill introduced; Reported out by the Appropriations cmte.</p>	Murkowski	Section 111 would prohibit the FWS from using any appropriated funds to conduct any activities leading to a threatened or endangered listing of the lesser prairie-chicken under the ESA, including developing a rule, proposing a rule, finalizing a rule, implementing a rule, or enforcing a rule.	<p>In 2014, the FWS listed the lesser prairie-chicken as threatened. The listing was accompanied by a special 4(d) rule that exempted numerous land use activities from the requirements of the ESA, including oil and gas development and agricultural uses that met certain standards. In September 2015, a federal judge in Texas vacated FWS's decision to list the lesser prairie-chicken as threatened, finding that the agency had failed to adequately consider whether existing voluntary conservation programs would help stem the bird's decline. FWS is now expected to re-propose the bird for listing.</p> <p>This amendment would block the FWS from proposing to list the lesser prairie chicken as threatened or endangered once again, or from conducting any activities leading up to a listing determination. It would also block the FWS from enforcing a listing, eliminating funding for crucial recovery programs the species would receive if it regains protections under the ESA. Not only would this amendment continue the downward spiral for a species that experienced a 50% population drop in a single year – it would also put many federally-funded projects on hold and leave stakeholders with uncertainty. It would also slow down the recovery of species, inevitably increasing the ultimate total cost to save the lesser prairie-chicken from extinction.</p>
<p>Sec. 541 & 542 of the FY 17 House Commerce, Justice & Science Approps. Bill (H.R. 5393)</p>	Culberson [R-TX]	Section 541 would unnecessarily divert funding away from real solutions restoring the health of California's Bay-Delta estuary. Instead, it would attempt to fund fish hatcheries, which can mask the real problems facing native fish. Section 542 is an unfunded mandate that would expand fish hatchery programs for the stated purpose of minimizing the adverse effects of the state water projects.	Scientists and conservation groups agree that conservation hatcheries do not address the underlying environmental problems that must be solved in order to save Delta Smelt and other native species in California's Bay-Delta estuary. In fact, hatcheries in California have not prevented the decline of native salmon populations.



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
6/7/16 Introduced			
Secs. 204, 205, 206 & 209 of the Energy and Water Appropriations Bill (H.R. 5055) 4/12/16 Draft legislation introduced 4/13/16 Subcommittee markup 4/26/16 Appropriations committee reported original measure	Simpson [R-ID]	Secs. 204, 205, 206 & 209 of the Energy and Water and Related Agencies Appropriations Bill undermine ESA protections for salmon and other endangered fish in California's Bay-Delta estuary.	These provisions would violate existing biological opinions protecting salmon and other endangered fish in California's Bay-Delta estuary. In particular, section 205 would require water pumping from the Delta far in excess of the maximum levels permitted under those biological opinions, and would prohibit implementation of the biological opinions if doing so would reduce water supply. Mandating violations of these biological opinions sets a dangerous precedent for protection of endangered species – and the jobs and communities that depend on them – around the country.
*Division C of H. Amdt. to the Energy Policy Modernization Act of 2016 (S. 1012) 9/9/15 Bill introduced in Senate 4/20/16 Passed/agreed to in Senate	Valadao [R-CA]	This rider would permanently override protections for salmon and other native fisheries under the ESA in California's Bay-Delta estuary and substitute political judgment for existing scientific determinations. It also includes several titles that would apply across Western states, which would reduce public and environmental reviews of new dams and water infrastructure, reduce funding for the Bureau of Reclamation, and limit the federal government's ability to manage and protect water resources.	California's ongoing drought – not federal environmental laws protecting salmon and other native fish and wildlife – is the primary reason for low water supplies across the state. This bill would dramatically weaken protections for salmon, migratory birds and other wildlife in the estuary, and effect the thousands of fishing jobs in California and Oregon that depend on the health of these species. This rider, which mirrors language from H.R. 2898, is not a temporary response to drought, but instead would permanently amend and override the requirements of the ESA and other federal laws. For example, under the proposed legislation, critical environmental review and public input under the



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>5/25/16 Amendment in the nature of a substitute considered in House</p> <p>*5/25/16 Bill passed as amended in House by recorded vote: 241-178</p>			<p>National Environmental Policy Act would be either severely limited or completely eliminated for new dams and other water storage projects across the west. Moreover, several provisions of the bill would preempt state law, including a provision (section 313) that would repeal and override state and federal laws, a court order, and a binding settlement agreement to restore the San Joaquin River. The bill attempts to scapegoat environmental protections for the lack of rain and snow, and it threatens thousands of fishing jobs in California, Oregon, and beyond that depend on healthy salmon runs from the Bay-Delta. The closure of the salmon fishery in 2008 and 2009 resulted in thousands of lost jobs in these states. The livelihoods of commercial and recreational salmon fishermen, Delta farmers, fishing guides, tackle shops, and communities across California and along the West Coast depend on the environmental protections that H.R. 2898 would eliminate.</p>
<p>*Sec. 2104 of H. Amdt. to the Energy Policy Modernization Act of 2016 (S. 2012)</p> <p>9/9/15 Bill introduced in Senate</p> <p>4/20/16 Passed/agreed to in Senate</p>	<p>Wittman [R-VA]</p>	<p>This rider would void the U.S. Fish and Wildlife Service's recently finalized rule which cracks down on the illegal trade in African elephant ivory.</p>	<p>Fueled by demand for ivory, poaching has slashed the global population of African elephants from 1.3 million in 1979 to fewer than 500,000 today. This rider would seriously undermine recent efforts by the Administration and the Fish and Wildlife Service to shut down the United States market for the illegal ivory trade, bypassing the Administration's efforts to crack down on ivory trafficking and the sale of illegal ivory within the U.S.</p> <p>The final rule was published on June 6, 2016, instituting a near-total ban on the domestic commercial trade of ivory and substantially restricting the import, export and sale of ivory across state lines. The rule contains limited</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>5/25/16 Amendment in the nature of a substitute considered in House</p> <p>*5/25/16 Bill passed as amended in House by recorded vote: 241-178</p> <p>5/26/16 House appointed conferees</p>			<p>exemptions for antiques and items containing de minimis quantities of ivory. This rulemaking under the Endangered Species Act – which the provisions in this rider directly block – represents a crucial step forward in the fight to combat wildlife trafficking and the African elephant poaching crisis. The rulemaking delivers on the U.S. commitment made in partnership with China to curb the demand for ivory and halt the illegal ivory trade in both countries, which together represent the world's largest ivory markets.</p>
<p>Sec. 2201-2202 of H. Amdt. to the Energy Policy Modernization Act of 2016 (S. 2012)</p> <p>9/9/15 Bill introduced in Senate</p> <p>4/20/16 Passed/agreed to in Senate</p> <p>5/25/16 Amendment in the nature of a</p>	Wittman [R-VA]	<p>This wolf delisting rider, identical to the provision in the SHARE Act, undermines science-based decision making under the ESA by removing federal protections for gray wolves in Michigan, Minnesota, Wisconsin, and Wyoming. This amendment overrides two federal court decisions that found the agency rules delisting wolves violated the ESA. Further, the amendment includes “no judicial review” clauses covering both court decision overrides – thus stripping the ability of citizens to further challenge these wolf delistings.</p>	<p>The appeals processes on the two federal court decisions impacting wolves in Wyoming, Michigan, Minnesota, and Wisconsin are still underway. It would be damaging for Congress to meddle in the ESA listing status of a particular species at any stage, but now is an especially bad time as these cases are still playing out in the courts. Moreover, the provision waiving judicial review is an affront to the citizen's right to go to court to challenge government action.</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>substitute considered in House</p> <p>*5/25/16 Bill passed as amended in House by recorded vote: 241-178</p> <p>5/26/16 House appointed conferees</p>			
<p>*Secs. 1203-1208 Hydropower Licensing and Process Improvements (added as an amendment)</p> <p>9/9/15 Bill introduced in Senate</p> <p>4/20/16 Passed/agreed to in Senate</p> <p>5/25/16 Amendment in the nature of a substitute</p>	<p>McMorris Rodgers [R-WA]</p>	<p>This amendment would allow power companies that operate hydroelectric dams to avoid compliance with the ESA. It overturns a century's worth of checks and balances over the federal management of water resources, and more than 40 years' worth of protections for natural resources impacted by hydropower dams. If enacted, this legislation would consolidate in the Federal Energy Regulatory Committee (FERC) management of all aspects of state, federal, and tribal natural resources management relating to hydropower.</p> <p>FERC is obligated by the ESA to consult with FWS or NMFS when a hydropower license may affect a listed species. While FERC is not specifically obligated to include the measures recommended in a biological opinion in its license, disregarding those recommendations would place the Commission and its licensees at substantial legal risk, so FERC generally incorporates them as license conditions.</p> <p>This amendment would waive the ESA (or the Clean Water Act) if a state, tribe, or federal agency cannot meet FERC's</p>	<p>If this amendment were to become law, it will be much more difficult to recover threatened and endangered populations of Pacific salmonids, shad, sturgeon, and Atlantic salmon, or any other aquatic species whose access to spawning habitat is blocked by power company dams. This amendment is a breathtaking assault on one of our nation's bedrock environmental laws.</p> <p>The balance the Federal Power Act strikes between power and non-power values has existed for almost a century. Current law protects the public's right to enjoy its rivers, a right which can and should be compatible with responsible electricity production. However, H.R. 8 upends that balance. Simply put, the McMorris Rodgers-McNerney Amendment is a massive giveaway to special interests at the expense of healthy rivers and the fish, wildlife, and people that depend upon them. If H.R. 8 passes, power company profits will go to the head of the line, ahead of every other user.</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
considered in House *5/25/16 Bill passed as amended in House by recorded vote: 241-178 5/26/16 House appointed conferees.		schedule or misses a deadline. FERC and the license application would be allowed to simply proceed with the proposed action and the authorization would be waived.	
S. Amdt. 3164 to the Energy Policy Modernization Act (S. 2012) 9/9/15 Bill introduced in Senate 2/1/16 Amendment filed, but never considered	Flake [R-AZ]	This amendment interferes with scientific decision making under the ESA by seeking to use outdated, inadequate criteria to delist the imperiled Mexican gray wolf – the rarest gray wolf. The amendment attempts to force FWS to delist the Mexican gray wolf if FWS determines that a population of at least 100 wolves in a 5,000 square mile area within the historic range of the Mexican gray wolf has been established, as described in the Mexican Wolf Recovery Plan of 1982.	According to FWS, the 1982 document this amendment relies on to force FWS to delist the Mexican gray wolf “was derived solely to prevent the Mexican wolf from going extinct, not to recover the species.” Further, “[t]hat number, 100 wolves, was not enough, and still is not enough, to delist the Mexican wolf. . . Conservation of this species certainly requires more than 100 wolves in the wild.” And “a small isolated Mexican wolf population, such as the existing experimental population, can neither be considered viable nor self-sustaining.” 80 Fed. Reg. 2512, 2514, 2529 and 2551 (2015). At the last official count, there were only 110 Mexican gray wolves in the US and fewer than 25 in Mexico. These animals are poised on the edge of extinction. In the absence of federal protection and support, the amendment is ultimately likely to cause the extinction of the species.
S. Amdt. 3034 to the Energy Policy	Johnson [R-WI]	Prevents FWS from protecting the highly imperiled northern long-eared bat as an endangered species under the ESA.	This amendment inappropriately interferes with the agency’s science-based decision-making process under



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
Modernization Act (S. 2012) 9/9/15 Bill introduced in Senate 1/27/16 Amendment filed, but never considered			the Act. Moreover, the agency recently listed the bat as threatened and finalized an extremely permissive 4(d) rule, making this amendment untimely and unnecessary.
S. Amdt. 3033 to the Energy Policy Modernization Act (S. 2012) 9/9/15 Bill introduced in Senate 1/27/16 Amendment filed, but never considered	Johnson [R-WI]	Reissues two of Fish & Wildlife Service's final rules regarding gray wolves: (1) the final rule on gray wolves in the western Great Lakes states published on December 28, 2011 (76 Fed. Reg. 81666), and (2) the final rule on gray wolves in Wyoming published on September 10, 2012 (77 Fed. Reg. 55530). Reissuing these rules would remove federal protections for wolves in Minnesota, Wisconsin, Michigan, and Wyoming, which were recently reinstated after two federal courts found that FWS's final rules violated the ESA. The bill also waives judicial review for the reissuance of rules.	This amendment overturns two federal court decisions that reinstated federal protections for the gray wolf in four states. It preempts the appeals process, which is still playing out in two federal courts. While the language states that this is simply a "reissuance" of two FWS rules that already went through the public comment process under the ESA, this is still legislative meddling that damages the integrity of the ESA. The provision waiving judicial review is an affront to the citizen's right to go to court to challenge government action.
S. Amdt. 3027 to the Energy Policy Modernization Act (S. 2012) 9/9/15 Bill introduced in Senate	Cornyn [R-TX]	This amendment would make it easier (almost automatic) for stakeholders such as industry to intervene in ESA litigation. Intervention would be easier from either side - industry or environmental organizations. It would block funding for citizens suits that result in a consent decree or settlement, and require that all states and counties where the endangered species resides sign off on proposed settlements under the ESA before they can be approved by the residing court.	Intervention in legal cases is governed by civil procedure laws that apply evenly across civil cases. To relax the general intervention requirements for ESA cases could open the door for the same in other environmental cases or even non-environmental cases. This relaxation would work for both sides of the isle and, in theory, could be beneficial in some instances where environmental groups wanted inclusion. However, it is much more likely that the concerns of industry intervention in settlements between



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
1/27/16 Amendment filed, but never considered			<p>environmental organizations and FWS would far outweigh the benefits of environmental intervention in industry settlements. Additionally, this would make any litigation under the ESA considerably more cumbersome thereby adding fuel to the argument that environmental litigation unnecessarily delays or impedes project advancement.</p> <p>This would considerably reduce incentive for timely resolutions to environmental cases and fuel the argument that citizen suits delay progress.</p> <p>Requiring sign-off from states and counties before a settlement is approved would make settlements regarding endangered species practically impossible, particularly in relation to species that have a large geographic range. ESA opponents often contend that time consuming, lengthy litigation causes delays in development. Settlements should be encouraged, not made impossible.</p>
S. Amdt. 56 to the Energy Policy Modernization Act of 2015 (S. 2012) Disclosure of Certain Expenditures under the ESA 7/24/15 Amendment offered	Lee [R-UT]	This amendment would require the Secretaries of Interior & Commerce to prepare an annual report to Congress detailing government expenditures on ESA litigation and post information about ESA litigation on an online searchable database.	This amendment would establish burdensome reporting requirements on Interior, Forest Service, and NMFS that would needlessly drain already-limited agency resources, all in the name of trying to build a case against citizen enforcement of the ESA.



Last Updated 12/21/16 • Bills listed in reverse chronological order by latest action • House/Senate companion bills are grouped together • * indicates favorable vote in ≥ 1 chamber



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>NDAA during the Armed Services Cmte. Markup; agreed to by vote of 33-29</p> <p>5/4/16 Reported by Cmte & placed on Union Calendar</p> <p>5/18/16 Bill agreed to in House by recorded vote [Yea-Nay Vote of 277-147]</p>			<p>beetle's decline is not well understood, but the most cogent hypotheses see it as a victim of gaps in the food chain, which reduced the number of large carcasses that the beetle depends on for reproduction. In fact, the decline and eventual extinction of once-plentiful birds like the passenger pigeon and the greater prairie-chicken have been linked to the beetle's decline. This meddlesome, anti-science amendment would cause yet another disruption of the food chain, which is sure to have similar ripple effects on the ecosystem. While the beetle has made gradual population gains thanks to breeding programs and reintroduction efforts made possible by its protected status under the ESA, the species has not yet recovered. This provision would be a virtual death sentence for this indicator species, which restores valuable nutrients to the soil, and which has not stopped nor required significant modification of any project under the ESA's consultation process since at least 2008. DOD did not request this provision to delist the beetle and it will do nothing to enhance military readiness. The ESA already includes exemptions for national security and for DOD.</p>
<p>*Sec. 2865 of FY 17 NDAA (H.R. 4909) House National Defense Authorization Act</p> <p>4/27/16 Offered as an amendment to the NDAA during the Armed Services Cmte. Markup;</p>	Bridenstine [R-OK]	<p>Section 2865 of the House NDAA would jeopardize lesser prairie-chicken recovery by blocking ESA protections for the imperiled bird for at least six years. After that time, it would impose arbitrary restrictions on whether the Secretary of the Interior can relist the lesser prairie-chicken, in complete disregard for the species' biological status. The species currently occupies less than 15 percent of its former range and its population dropped by half between 2012 and 2013, eliminating any doubt that the species requires protections under the ESA. Although the FWS determined in 1998 that the lesser prairie-chicken warranted federal protection, it was not listed until 2014. The listing was accompanied by a special</p>	<p>If Congress blocks a federal listing through legislation, the lesser prairie-chicken would no longer be eligible for federal endangered species recovery funds, and landowners and developers would not have the guidance and support they need to ensure that their activities do not adversely affect the bird, leading to the bird's continued decline. Additionally, landowners and industries would lack the necessary incentive to participate in the voluntary range-wide plan to conserve the bird. As with the sage-grouse language, DOD did not request this provision. There is essentially no overlap between military installations and the lesser</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>agreed to by vote of 33-29</p> <p>5/4/16 Reported by Cmte & placed on Union Calendar</p> <p>5/18/16 Bill agreed to in House by recorded vote [Yea-Nay Vote of 277-147]</p>		<p>4(d) rule that exempts numerous land use activities from the requirements of the ESA, including oil and gas development and agricultural uses that meet certain standards. In September 2015, a federal judge in Texas vacated FWS's decision to list the lesser prairie-chicken as threatened, finding that the agency had failed to adequately consider whether existing voluntary conservation programs would help stem the bird's decline. FWS is expected to either appeal the court's decision or re-propose the bird for listing.</p>	<p>prairie-chicken's current or historic range. Conservation activities to protect the bird, including a listing under the ESA, will not interfere with military readiness. Even if there was a nexus between the bird's habitat and military readiness activities, the ESA already includes exemptions for national security and for DOD.</p>
<p>*Sec. 2864 of FY 17 NDAA (H.R. 4909) House National Defense Authorization Act</p> <p>4/12/16 Introduced in House; referred to Armed Services Cmte.</p> <p>4/27/16 – 4/28/16 Armed Services Cmte. Markup</p> <p>5/4/16</p>	<p>Bishop, Rob [R-UT]</p>	<p>Section 2864 of the House NDAA would overturn a precedent-setting \$45 million public planning process to conserve the greater sage-grouse and prohibit the U.S. Fish and Wildlife Service (FWS) from even considering the species for protection under the ESA for at least a decade. A similar provision was also included in the 2016 NDAA and was removed in final House-Senate conference negotiations. No branch of the military has ever requested this rider which is unrelated to military readiness. In April, 2016, senior military officials with the Army, Navy, Air Force, and the Office of the Assistant Secretary of Defense for Readiness wrote letters to Congress confirming (again) that conservation efforts to protect sage-grouse and its habitat on public lands will not adversely impact military readiness. Moreover, the ESA already includes exemptions for national security and for the DOD.</p>	<p>This rider is really just another brazen power grab for federal lands and resources. The language would take the extraordinary step of transferring oversight of as much as 60 million acres of Bureau of Land Management (BLM) and Forest Service lands that are home to sage-grouse to western states by requiring that all federal conservation strategies comply with lesser state guidance for managing the bird. It would also grant governors unprecedented power to review and approve all future federal land use planning and management within the range of the species, allowing them to veto any proposal that does not comport with state preferences for use and development of federal lands. This rider would upend years of work by federal agencies, states, and local stakeholders to improve federal management plans across the West and throw management of these lands into chaos. The end result: at least \$45 million tax dollars wasted on federal planning processes and the grouse facing extinction again.</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
Reported by Cmte & placed on Union Calendar 5/18/16 Bill agreed to in House by recorded vote [Yea-Nay Vote of 277-147]			
S. 2876 Mexican Gray Wolf Recovery Plan Act of 2016 4/28/16 Introduced and referred to Environment & Public Works (EPW) Cmte.	Flake [R-AZ] McCain [R-AZ]	S. 2876 requires FWS to publish a revised recovery plan for the Mexican gray wolf populations in Arizona and New Mexico within 180 days of enactment. The bill mandates that the recovery plan include a long list of requirements that go beyond the requirements for recovery plans laid out in Section 4(f)(1)(B) of the Endangered Species Act. Under this legislation, the FWS's revised recovery plan for Mexican gray wolves must include the input of state special interests such as livestock producers, ranchers, recreation interests, and county governments, restrict the movement of Mexican gray wolves north of I-40, and set recovery goals that include an "enforceable maximum population" of gray wolves that is agreed on by state special interests. If the number of wolves exceeds the maximum number set in the recovery plan, FWS shall reduce the population of wolves through scientifically sound methods, including removal and relocation of wolves. The inclusion of an enforceable maximum population in a recovery plan for an endangered species is unprecedented. If the FWS fails to publish a recovery plan within 180 days, the bill dictates that the states may manage the Mexican gray wolf. Finally, the bill prohibits the Service from publishing any other recovery plan for the lobo after the publication of the states' recovery plan, unless the Service makes a determination that population numbers have declined below the state-mandated	The Mexican Gray Wolf Recovery Plan Act of 2016 will in no way help recover the Mexican gray wolf. This proposed bill is a direct attack on critically important Mexican gray wolf recovery efforts. S. 2876's time and population limits are unreasonable and arbitrary, and the legislation's transfer of influence to states and special interests is unnecessary. Arizona and New Mexico have proven time and again that they are not committed to the recovery of the Mexican gray wolf. It is not in the interest of the recovery of the species to hand the power in drafting the recovery plan for managing the Mexican gray wolves to these two states and anti-wolf special interests. Keeping wolves south of Interstate 40 and out of the habitats they need to recover and putting a cap on the population is a recipe for extinction, not recovery. The bill also undermines the Endangered Species Act, which requires the U.S. Fish and Wildlife Service to follow the best available science, not politics, in recovery planning and implementation. We need more wolves and less politics. This sort of congressional meddling has no place in the recovery of endangered wildlife. The ultimate steward of endangered species recovery and management is the U.S. Fish and Wildlife Service so that the best available



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
		minimum OR impacts and range described in the states' recovery plan are not maintained.	science drives decision making and all stakeholders are included.
H.R. 4739 Greater Sage Grouse Protection & Recovery Act of 2016 3/15/16 Introduced; referred to the Natural Resources Cmte.	Bishop, Rob [R-UT]	This bill would: <ul style="list-style-type: none"> Block a federal endangered species listing for the imperiled greater sage-grouse for at least 10 years, even if its populations decline and it faces the risk of extinction (§2 (c)(1)). This prohibition applies wherever a western state has developed their own sage-grouse management plan, which is nearly all of them. Abrogate federal management of tens of millions of acres of public land within sage-grouse range to western states wherever recently completed federal land use plans conflict with weaker state management plans for the species (§§ 2(d)(1)). <ul style="list-style-type: none"> Prohibits the federal government from updating any federal land use plan that affects sage-grouse (Bureau of Land Management, U.S. Forest Service) where modifications may be inconsistent with weaker state management plans, as determined by the relevant state governor, for a period of at least five years (§§ 2(d)(1), (3)). Essentially waives alternative analysis under NEPA for federal actions that are deemed consistent with a state sage-grouse management plan, as determined by the relevant state governor (§§ Restrict the Secretary of Interior from finalizing the current proposal to withdrawal approximately 10 million acres of sage-grouse essential habitat from location and entry under the General Mining Law of 	Last September marked a milestone for the National Greater Sage-Grouse Planning Strategy when the Obama administration announced the completion of 14 regional plans to improve conservation and management on more than 60 million acres of public lands in the Sagebrush Sea. Citing these final plans and other factors, the U.S. Fish and Wildlife Service also determined that the sage-grouse no longer warrants protection under the ESA. This bill would eviscerate the new federal land use plans by subjecting sage-grouse conservation to weaker and inconsistent state guidance, effectively abrogating control of tens of millions of acres of public lands to western state governors. The legislation would also grant governors power to veto the Department of the Interior's current proposal to withdraw essential sage-grouse habitat from hardrock mining, which is a critical component of the national conservation strategy. Enacting this legislation would almost certainly lead to future declines in sage-grouse populations, yet the same bill would also prohibit the Service from considering the species for listing under the ESA for at least a decade. The end result: \$45 million tax dollars wasted on federal planning processes and the grouse facing extinction again.



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
		<p>1872 (or any similar withdrawal) upon request from any western Governor (§ 2(d)(1)-(2)).</p> <ul style="list-style-type: none"> • Forbid judicial review of any operative provision in the legislation, including governors' consistency reviews (§2(c)(2); §2(g)). 	
<p>*Sec. 311 of H.R. 1471 FEMA Disaster Assistance Reform Act of 2015</p> <p>2/29/16 Sec. 311 language inserted; passed by voice vote under suspension of rules</p> <p>3/1/16 Received in Senate and referred to Homeland Security & Govt. Affairs Cmte.</p>	Barletta [R-PA]	<p>Section 311 of H.R. 1471 would exempt the Federal Emergency Management Agency (FEMA) from complying with requirements under the ESA and other federal environmental statutes with respect to the implementation of its National Flood Insurance Program (NFIP). It would circumvent a forthcoming Biological Opinion in Oregon, which concludes that FEMA's implementation of the NFIP in Oregon would jeopardize threatened and endangered fish species and Southern Resident orca. Finally, it would set a dangerous precedent for other federal agencies seeking to exempt themselves from requirements under the ESA and other bedrock environmental laws.</p>	<p>The immediate effect of this provision would be to circumvent the anticipated results of forthcoming Biological Opinion prepared by the National Marine Fisheries Service (NMFS) on FEMA's implementation of the NFIP in Oregon. NMFS is expected to conclude that FEMA's management of the program has led to detrimental development in Oregon's floodplains which jeopardizes threatened and endangered fish species and Southern Resident orca that are dependent on the fish as a food-source. The Opinion is expected to provide a reasonable and prudent alternative (RPA) that not only safeguards imperiled species, but that also could serve as a blueprint for modernizing the NFIP to reduce flood risk to vulnerable communities across the country and protect beneficial floodplain functions. This provision would strip FEMA of its authority to carry out actions under the RPA. These actions would discourage development in flood hazard areas as a condition of receiving taxpayer-funded flood insurance.</p> <p>The provision also has far-reaching consequences for FEMA's implementation of NFIP throughout the country. It fundamentally alters FEMA's application of the ESA by limiting which actions carried out by the agency are subject to consultation, effectively excluding FEMA's implementation of the NFIP from consideration under the Act. Section 311 severely undercuts the ability of the ESA to safeguard our nation's endangered and threatened species.</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>*H. Amdt. 959/Secs. 2101 & 2102 to H.R. 2406 Wolves</p> <p>2/26/16 Amendment offered.</p> <p>2/26/16 Agreed to by recorded vote [Yea-Nay Vote of 232-171]</p>	<p>Ribble [R-WI], Lummis [R-WY], Benishek [R-MI], Peterson [D-MN]</p>	<p>The Ribble-Lummis-Benishek-Peterson amendment to the SHARE Act undermines science-based decision making under the ESA by removing federal protections for gray wolves in Michigan, Minnesota, Wisconsin, and Wyoming. This amendment overrides two federal court decisions that found the agency rules delisting wolves violated the ESA. Further, the amendment includes “no judicial review” clauses covering both court decision overrides – thus stripping the ability of citizens to further challenge these wolf delistings.</p>	<p>The appeals processes on the two federal court decisions impacting wolves in Wyoming, Michigan, Minnesota, and Wisconsin are still underway. It would be damaging for Congress to meddle in the ESA listing status of a particular species at any stage, but now is an especially bad time as these cases are still playing out in the courts. Moreover, the provision waiving judicial review is an affront to the citizen’s right to go to court to challenge government action.</p>
<p>*H.R. 2406 SHARE – the Sportsmen’s Heritage and Recreation Enhancement Act of 2015</p> <p>5/19/15 Introduced; referred to Multiple Cmtes.</p> <p>6/10/15 Referred to Subcmte.</p> <p>6/16/15 Referred to the Crime, Terrorism,</p>	<p>Wittman [R-VA]</p>	<p>The SHARE Act contains a broad range of destructive and unnecessary provisions that threaten wildlife and their habitat, and erode longstanding public land law and domestic and international wildlife policy. Entire titles of the bill are devoted to protecting and enhancing sporting opportunities on federal public lands, the vast majority of which are already open to hunting, fishing, shooting, and other multiple uses. Other sections seek to solve problems that don’t exist, undermining established planning processes on our National Wildlife Refuge System. Still other provisions diminish protections for wilderness, prohibit the regulation of toxic lead that harms fish, wildlife and human health, and further jeopardize the survival of African elephants already at great risk from poaching. One provision, Title X, would void the U.S. Fish and Wildlife Service’s recently finalized rule which cracks down on the illegal trade in African elephant ivory.</p>	<p>Fueled by demand for ivory, poaching has slashed the global population of African elephants from 1.3 million in 1979 to fewer than 500,000 today. The SHARE Act (Title X) ostensibly addresses the African elephant conservation crisis, but in fact would seriously undermine recent efforts by the Administration and the Fish and Wildlife Service to shut down the United States market for the illegal ivory trade, bypassing recently finalized regulations to crack down on ivory trafficking and the sale of illegal ivory within the U.S.. Provisions in this title would dramatically limit the Secretary of the Interior’s ability to regulate the importation and exportation of ivory, making it easier to blend illegal ivory into interstate commerce by preventing the Service from requiring potential ivory traffickers to demonstrate that the ivory was legally acquired. It would also amend the ESA to allow the continued importation of sport-hunted elephant trophies, even if poaching continues to accelerate the dramatic decline in elephant populations and ultimately</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>Homeland Security and Investigations Subcmte.</p> <p>10/7/15 – 10/8/15 Committee mark-up</p> <p>10/8/15 Ordered to be reported as amended by the Yeas and Nays: 21 – 15</p> <p>2/26/16 Agreed to by recorded vote [Yea-Nay Vote of 242-161]</p>			<p>results in the listing of the African elephant as an endangered species.</p> <p>The final rule was published on June 6, 2016, instituting a near-total ban on the domestic commercial trade of ivory and substantially restricting the import, export and sale of ivory across state lines. The rule contains limited exemptions for antiques and items containing de minimis quantities of ivory. This rulemaking under the Endangered Species Act – which the provisions in this rider directly block – represents a crucial step forward in the fight to combat wildlife trafficking and the African elephant poaching crisis. The rulemaking delivers on the U.S. commitment made in partnership with China to curb the demand for ivory and halt the illegal ivory trade in both countries, which together represent the world's largest ivory markets.</p>
<p>Secs. 14 & 15 of the Sportsmen's Bill (S. 659)</p> <p>1/20/16 Amendment offered during committee markup; passed committee by voice vote</p> <p>1/20/16</p>	Barrasso [R-WY]	<p>Reissues two of Fish & Wildlife Service's final rules regarding gray wolves: (1) the final rule on gray wolves in the western Great Lakes states published on December 28, 2011 (76 Fed. Reg. 81666), and (2) the final rule on gray wolves in Wyoming published on September 10, 2012 (77 Fed. Reg. 55530). Reissuing these rules would remove federal protections for wolves in Minnesota, Wisconsin, Michigan, and Wyoming, which were recently reinstated after two federal courts found that FWS's final rules violated the ESA. The bill also waives judicial review for the reissuance of rules.</p>	<p>The appeals processes on the two federal court decisions impacting wolves in Wyoming, Michigan, Minnesota, and Wisconsin are still underway. It would be damaging for Congress to meddle in the ESA listing status of a particular species at any stage, but now is an especially bad time as these cases are still playing out in the courts. Moreover, the provision waiving judicial review is an affront to the citizen's right to go to court to challenge government action.</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>Bill reported with amendments favorably</p> <p>2/24/16 Placed on Senate Legislative Calendar</p>			
<p>S. 2281 A bill to direct the Secretary of the Interior to reissue final rules relating to listing of the gray wolf in the Western Great Lakes and Wyoming</p> <p>11/10/15 Introduced; Referred to the EPW Cmte.</p>	<p>Johnson [R-WI] 1 cosponsor</p>	<p>Reissues two of Fish & Wildlife Service's final rules regarding gray wolves: (1) the final rule on gray wolves in the western Great Lakes states published on December 28, 2011 (76 Fed. Reg. 81666), and (2) the final rule on gray wolves in Wyoming published on September 10, 2012 (77 Fed. Reg. 55530). Reissuing these rules would remove federal protections for wolves in Minnesota, Wisconsin, Michigan, and Wyoming, which were recently reinstated after two federal courts found that FWS's final rules violated the ESA. The bill also waives judicial review for the reissuance of rules.</p>	<p>This bill overturns two federal court decisions that reinstated federal protections for the gray wolf in four states. It preempts the appeals process, which is still playing out in two federal courts. While the language states that this is simply a "reissuance" of two FWS rules that already went through the public comment process under the ESA, this is still legislative meddling that damages the integrity of the ESA. The provision waiving judicial review is an affront to the citizen's right to go to court to challenge government action.</p>
<p>*Sec. 312 of FY 16 NDAA (H.R. 1735)</p> <p>5/1/15 Reported to committee</p> <p>5/15/15</p>	<p>Thornberry [R-TX] (sponsor of H.R. 1735)</p>	<p>This provision would weaken both the ESA and Marine Mammal Protection Act by unnecessarily giving the U.S. Navy broad exemptions to both statutes, allowing their activities to potentially kill, injure, and otherwise harm threatened sea otters off two Southern California islands without review.</p>	<p>Current law already provides the Navy with the ability to ensure that the protection of sea otters does not impede military readiness; there is no need for a sweeping exemption from environmental law.</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
Bill agreed to by recorded vote 269-151 5/21/15 Placed on Senate Legislative Calendar 9/29/15 Conference report filed – LANGUAGE REMOVED 10/7/15 Conference report agreed to in Senate by Yea-Nay Vote 70 – 27 10/22/15 Vetoed by President			
*Sec. 2862 of FY 16 NDAA (H.R. 1735) 4/29/15 Tsongas amendment to strike language failed in committee	Bishop, Rob [R-UT] (author of Sec. 2862)	Representative Bishop's insertion in the NDAA would delay a potential federal endangered species listing for the imperiled greater sage-grouse for at least 10 years. It subverts the established, science-based administrative process for listing imperiled species under the ESA and undercuts the current planning efforts by western states and federal agencies to conserve the bird. It would also transfer management of as many as 60 million acres of federal lands to the states wherever there is a conflict between federal land management	The breadth of the provision makes it non-germane to a must-pass bill like the NDAA. It is also one of the most egregious attacks on the ESA this Congress. Populations of greater sage-grouse have plummeted by as much as 90 percent from historic numbers. A new study just released reported that sage-grouse populations have further declined by at least 55 percent between 2007 and 2013. The U.S. Fish and Wildlife Service has already determined the sage-grouse may be threatened with extinction and is currently considering



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>5/1/15 Reported to committee</p> <p>5/15/15 Bill agreed to by recorded vote 269-151</p> <p>5/21/15 Placed on Senate Legislative Calendar</p> <p>9/29/15 Conference report filed – LANGUAGE REMOVED</p> <p>10/7/15 Conference report agreed to in Senate by Yea-Nay Vote 70 – 27</p> <p>10/22/15 Vetoed by President</p>		plans and vague “state management plans” for greater sage-grouse.	<p>whether to list the bird under the ESA. The potential for listing is driving an unprecedented planning process to implement new measures to conserve sage-grouse and its habitat across the West. This amendment could cause populations to disappear across much of the West and further jeopardize the existence of species. Delaying listing—and putting states in charge of managing sage-grouse on federal lands—would remove incentives and potential safeguards necessary to save the species. This provision would take the unprecedented step of transferring oversight of as much as 60 million acres of federal lands that are home to sage-grouse to western states by requiring that all federal conservation strategies comply with lesser state guidance for managing the bird. This is right in line with several other attempts this Congress to simply give federal lands to the states.</p> <p>This provision inappropriately rescinds federal authority on public lands, could wipe out populations of greater sage-grouse across much of the West, and could further jeopardize the existence of the species.</p>
<p>*H. Amdt. 230 to FY 16 NDAA (H.R. 1735)</p> <p>5/14/15</p>	<p>Lucas [R-OK] 9 cosponsors</p>	Removes the lesser prairie-chicken from the list of threatened species, and prevents FWS from listing it before 2021. After 2021, it can only be listed if the Secretary determines, “based on the totality of the scientific evidence” that conservation under the Range-Wide Plan, CCAs, CCAAs, other Federal	<p>This amendment was not requested by the Department of Defense, and it would not improve military readiness. It would jeopardize the conservation and recovery of the lesser prairie-chicken and the American burying beetle. This is a cynical and opportunistic attempt to use</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>Offered</p> <p>5/15/15 Agreed to by recorded vote [Yea-Nay Vote of 229-190]</p> <p>9/29/15 Conference report filed – LANGUAGE REMOVED</p> <p>10/7/15 Conference report agreed to in Senate by Yea-Nay Vote 70 – 27</p> <p>10/22/15 Vetoed by President</p>		<p>conservation programs, state conservation programs and private conservation efforts have not achieved the goals of the Range-Wide Plan. It also removes the American burying beetle from the list of endangered species, and prevents FWS from ever listing it as threatened or endangered.</p>	<p>the NDAA as a vehicle to undermine the ESA and legislatively delist species.</p>
<p>*H.R. 2898 Western Water and American Food Security Act of 2015</p> <p>6/25/15 Introduced; Referred to the Natural Resources Cmte.</p>	<p>Valadao [R-CA] 26 sponsors (1 D)</p>	<p>H.R. 2898 would permanently override protections for salmon and other native fisheries under the ESA in California's Bay-Delta estuary and substitute political judgment for existing scientific determinations. It also includes several titles that would apply across Western states, which would reduce public and environmental reviews of new dams and water infrastructure, reduce funding for the Bureau of Reclamation, and limite the federal government's ability to manage and protect water resources.</p>	<p>California's ongoing drought – not federal environmental laws protecting salmon and other native fish and wildlife – is the primary reason for low water supplies across the state. This bill would dramatically weaken protections for salmon, migratory birds and other wildlife in the estuary, and effect the thousands of fishing jobs in California and Oregon that depend on the health of these species. H.R. 2898 is not a temporary response to drought, but instead would permanently amend and override the requirements of the ESA and other federal laws. For example, under the</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>7/8/15 – 7/9/15 Cmte. Mark-up</p> <p>7/13/15 Reported by the Natural Resources Cmte.</p> <p>7/16/15 Floor consideration</p> <p>7/16/15 Agreed to by recorded vote: 245 – 176</p> <p>7/21/15 Received in the Senate; Referred to the Energy & Natural Resources Cmte.</p> <p>10/8/15 Energy & Natural Resources Cmte. Hearings held</p>			<p>proposed legislation, critical environmental review and public input under the National Environmental Policy Act would be either severely limited or completely eliminated for new dams and other water storage projects across the west. Moreover, several provisions of the bill would preempt state law, including a provision (section 313) that would repeal and override state and federal laws, a court order, and a binding settlement agreement to restore the San Joaquin River. The bill attempts to scapegoat environmental protections for the lack of rain and snow, and it threatens thousands of fishing jobs in California, Oregon, and beyond that depend on healthy salmon runs from the Bay-Delta. The closure of the salmon fishery in 2008 and 2009 resulted in thousands of lost jobs in these states. The livelihoods of commercial and recreational salmon fishermen, Delta farmers, fishing guides, tackle shops, and communities across California and along the West Coast depend on the environmental protections that H.R. 2898 would eliminate.</p>
Sec. 109 of the Offshore Production and Energizing National Security	Murkowski [R-AK]	Currently, the Marine Mammal Protection Act (MMPA) requires FWS or the National Marine Fisheries Service (NMFS) to make three determinations before issuing “Incidental Harassment Authorizations” (IHAs): (1) that the taking would be of small numbers, (2) have no more than a “negligible impact” on those marine mammals or stocks, and	The proposed amendment to the Marine Mammal Protection Act (“MMPA”), accelerating NMFS’s review of incidental harassment authorizations, would undermine NMFS’s ability to protect marine mammals. Harassment under the MMPA encompasses a wide variety of impacts—e.g., large-scale disruptions in



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
Act of 2015 (S. 2011) Offshore Certainty – Coordinating with ESA Reviews 9/9/15 Introduced; Referred to the Energy & Natural Resources Cmte.		<p>(3) not have an “unmitigable adverse impact” on the availability of the species or stock for “subsistence” uses. The Services must also make determinations under the National Environmental Policy Act (NEPA) and Section 7 of the ESA.</p> <p>Section 109 of the “Offshore Production and Energizing National Security Act of 2015” would require NMFS to meet new, impossibly tight deadlines for responding to a request for an IHA under the MMPA in the context of offshore lease sales. The Secretary of Commerce would have to either accept a request within 30 days of receiving it, or provide a requestor with a written notice asking for any additional information required to complete the request. If additional information is provided, the Secretary would be required to provide the requestor with a determination within 30 days of receipt. If the request is denied, NMFS would have to include an explanation of the reasons for the denial in the written determination.</p> <p>Under the MMPA’s current IHA process, the Services normally take up to 9 months to review an application, prepare a proposed IHA package, publish the IHA in the Federal Register for public comment, review public comments, make findings under NEPA and the ESA, and make a final determination. This bill would circumvent the science-based process for obtaining an IHA, accelerating review to the detriment of threatened and endangered marine mammals – especially those in the Gulf of Mexico that in the wake of the <i>Deepwater</i> spill, are already extremely vulnerable.</p> <p>Moreover, section 109(f) specifically exempts issuance of IHAs under this section from ESA’s consultation requirements under Section 7 and declares that any issuance of an IHA under this section shall not be considered a) an action likely to jeopardize the continued existence of any endangered or threatened species or b) an action likely to result in the</p>	<p>feeding and breeding, loss of hearing, and physical injury—which can have dire impacts on marine mammal species over time. Effective management of these impacts depends on careful review during the MMPA’s authorization process, including review under NEPA and the ESA. Yet as even a cursory review of comments from the U.S. Marine Mammal Commission (the independent agency charged by Congress to assess MMPA implementation) indicate, applications submitted by the oil-and-gas industry, <i>e.g.</i>, for high-energy seismic surveys, are frequently incomplete and inaccurate. Forcing NOAA to work to unrealistic deadlines, as this legislation proposes, would result in poor analyses, undermining the conservation of species that, in the wake of the <i>Deepwater</i> spill, are already profoundly vulnerable.</p> <p>By exempting the issuance of IHAs under this section from Section 7 consultations, this provision undermines the ESA’s safeguards against jeopardy to highly imperiled species or destruction or adverse modification of their critical habitat. Moreover, this provision essentially gives companies engaging in offshore oil-and-gas activities the green light to harass, kill, injure, and otherwise harm endangered and threatened species as long as an IHA was obtained under the accelerated process outlined in section 109.</p> <p>Notably, the amendment would apply not only to offshore oil-and-gas activities in the Gulf of Mexico, but would undermine marine mammal protection in every region the offshore industry operates.</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
		destruction or adverse modification of critical habitat. It further declares that any taking of an endangered or threatened species made in compliance with an authorization for incidental taking under the MMPA shall not be considered to be a prohibited taking under Section 9 of the ESA.	
H.R. 564 Endangered Salmon and Fisheries Predation Prevention Act 1/27/15 Introduced; Referred to the Natural Resources Cmte. 3/2/15 Referred to the Water, Power and Oceans Subcmte. 7/23/15 Water, Power and Oceans Subcmte. Hearings Held	Herrerra Buetler [R-WA] 4 cosponsors (1 D, 3 R)	This bill temporarily removes Marine Mammal Protection Act protections on the Columbia River or its tributaries, authorizing the intentional lethal take of sea lions “that are part of a healthy population that is not listed as an endangered species or threatened species.” This is done under the guise of recovering endangered and threatened species of salmon by stopping sea lion predation of salmon and other fish.	This bill does nothing to help endangered salmon species. Instead, it imperils sea lions – including the once-listed but recovered Eastern Stellar sea lion. which is often confused with the California sea lion. The Eastern DPS of the Stellar sea lion also feeds on salmon at the Bonneville Dam. If this bill passes, NMFS would be able to issue permits to any “eligible entity,” authorizing intentional lethal take of sea lions. Those entities could easily mistake Stellar sea lions for California sea lions, leading to population declines and threatening to put this DPS back on the endangered species list. This bill is unlikely to help endangered and threatened species of salmon recover, considering that sea lions eat only between 1-4% of the spring salmon run, in comparison to the 17% permitted fisheries are allowed to take. The bill does, however, put the Stellar sea lion at great risk.
H.R. 3162 Endangered Species Recovery Transportation Act 7/22/15	Collins [R-GA]	Requires the Secretaries of Interior & Commerce to prepare an annual report to Congress detailing government expenditures on ESA litigation and post information about ESA litigation on an online searchable database.	This amendment would establish burdensome reporting requirements on Interior, Forest Service, and NMFS that would needlessly drain already-limited agency resources, all in the name of trying to build a case against citizen enforcement of the ESA.



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
Introduced; Referred to the Natural Resources Cmte.			
S. 1691 National Forest Ecosystem Improvement Act of 2015 6/25/15 Introduced; referred to the Energy & Natural Resources (ENR) Cmte 7/16/15 Hearings held	Barrasso [R-WY]	<p>This extreme legislation imposes dangerous and irrational logging mandates on our national forests while undermining bedrock environmental laws, posing a serious threat to wildlife, watersheds and communities. It severely curtails judicial review, weakens collaboration and limits public engagement in forest management decisions.</p> <p>In addition to unreasonable logging mandates, S. 1691 casts aside bedrock federal environmental laws and the fundamental safeguards they provide. The bill severely curtails application of the ESA. For example, the bill eliminates independent review of the impacts of certain projects on listed species by experts at FWS and NMFS. Instead, it has the Forest Service evaluate and determine those impacts itself.</p>	<p>This bill unnecessarily undermines the checks and balances in ESA consultation critical to ensuring that forest management is compatible with the conservation of threatened and endangered species and their habitat. The types of “self-consultation” processes mandated by the bill have been struck down by the courts as clear violations of the ESA. This attack on the ESA is both unwise and unwarranted. Since 2008, on average, the Fish and Wildlife Service has completed informal ESA consultations for the Forest Service in fewer than 15 days, and formal consultations in under 65 days, much quicker than the statutory deadlines for each type. It would put threatened and endangered species at risk, and increase the chance of management conflicts.</p>
S. 1769 African Elephant Conservation and Legal Ivory Possession Act of 2015 7/15/15 Introduced; Referred to the EPW Cmte. H.R. 697	Daines [R-MT] African Elephant Conservation and Legal Ivory Possession Act of 2015	<p>The African Elephant Conservation and Legal Ivory Possession Act of 2015 would exempt certain types of ivory from any import or export requirements under the African Elephant Conservation Act or ESA, including raw or worked ivory that was “lawfully importable” on Feb. 24, 2014, or worked ivory “previously lawfully possessed.” It would also prevent any new regulations from prohibiting or restricting ivory trade previously allowed within the United States.</p> <p>Additionally, the bill makes the sole criteria for allowing imports of African elephant trophies whether a country has an elephant population on Appendix II of CITES and whether that country has provided a CITES export permit. This</p>	<p>This bill undermines the FWS’s recent proposal to crack down on ivory trafficking and the sale of illegal ivory within the United States. The FWS just issued a proposed revision of the ESA 4(d) rule for African elephants, which would close long-standing loopholes that have allowed illegal ivory to be sold in the U.S. for decades. As the U.S. is the second largest ivory market in the world, domestic demand fuels global black markets, contributing to the African elephant poaching crisis and helping to fund terrorist groups and international criminal syndicates. This bill undermines FWS’s ability to reduce the U.S. role in the illicit ivory trade, freezing in place a flawed system that allows</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>African Elephant Conservation and Legal Ivory Possession Act of 2015</p> <p>2/3/15 Introduced; Referred to the Natural Resources Cmte.</p> <p>3/16/15 Referred to the Federal Lands Subcmte.</p>	<p>Young [R-AK] 2 cosponsors</p>	<p>negates protections provided to African elephants under the ESA and ceding authority over these decisions to the less stringent standards of an international body.</p>	<p>poached ivory to be smuggled across our borders and falsely offered to American consumers as legal. The bill would prevent FWS from requiring potential traffickers to demonstrate that ivory is legally acquired, forcing the maintenance of the status quo in which enforcement of the law is generally impossible. It leaves the U.S. market open to illegal ivory laundering and perpetuates the U.S. role in illegal trade and elephant poaching.</p> <p>Moreover, the bill would allow the importation of elephant trophies into the U.S. even from countries with poorly managed, unsustainable trophy hunting programs. In doing so, it would increase the likelihood that the U.S. will continue to play a role in the demise of African Elephant populations.</p>
<p>H. Amdt. 635 to FY 16 Inter. Approps. (H.R. 2822) House Interior Appropriations Bill of 2016; Attorney's Fees</p> <p>7/8/15 Amendment offered</p>	<p>LaMalfa [R-CA]</p>	<p>This amendment prohibits the use of funds to pay attorney fees in a civil suit under the ESA pursuant to a court order that states such fees were calculated at an hourly rate in excess of \$125 per hour.</p>	<p>This amendment would undermine the ability of citizens to recover attorney's fees when they prevail in lawsuits brought under the ESA. It would make it significantly more difficult for citizens across the political spectrum to obtain counsel to challenge illegal government actions.</p>
<p>H. Amdt. 633 to FY 16 Inter. Approps. (H.R. 2822) House Interior Appropriations Bill</p>	<p>Westmoreland [R-GA]</p>	<p>This amendment would make it more difficult for citizens to hold federal government agencies accountable for their statutory obligations under bedrock environmental laws. It would also create obstacles for parties entering into settlement agreements, needlessly burdening our courts and draining limited judicial resources.</p>	<p>Most of the focus of this amendment involves complaints regarding alleged "backroom" settlements. Today, if the government is sued for missing a deadline (or other non-discretionary requirement) it may enter into settlement discussions with the party that sued it, since there are no legal defenses for missing a statutory</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>of 2016; “Sue & Settle”</p> <p>7/8/15 Amendment offered</p>			<p>deadline. The parties then negotiate when the new deadline will be under the supervision of a judge, who reviews and must approve any eventual settlements with the court. This amendment would create substantial obstacles in these types of cases by making it extremely difficult for citizens to hold federal agencies to their statutory deadlines and also needlessly burdening our courts and draining limited judicial resources. These types of legislative attacks are intended to endlessly delay these kinds of suits and help big polluters keep polluting at the expense of public health and the environment.</p> <p>Despite the rhetoric from backers of this proposal, the cases at issue do not dictate the substance of the agency decision, just when it will be completed. It is a bogus allegation that “sue and settle” litigation involves back-room negotiations between pro-regulatory groups and complicit federal agencies on what the final rule will substantively say. All public notice and comment requirements of the Administrative Procedure Act and the individual environmental laws still apply when an agency undertakes the substantive action for which a deadline was missed. That is, the public – including state, county, and local governments – is provided with numerous opportunities to provide input.</p> <p>What proponents of this amendment actually want is to indirectly weaken our federal environmental laws or at least their effectiveness. This amendment is attempting to saddle the judicial process with more hurdles, to further delay overdue agency decisions to protect the environment and human health that polluters want to avoid.</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>*H. Amdt. 634 to FY 16 Inter. Approps. (H.R. 2822) House Interior Appropriations Bill of 2016; Mussels</p> <p>7/8/15 Amendment offered; Agreed to by voice vote</p>	Rokita [R-IN]	This amendment would block all federal funding FWS to enforce the ESA with respect to 6 species of endangered mussels – the Clubshell, Fanshell, Rabbitsfoot, Rayed Bean, Sheepnose and Snuffbox mussels.	<p>This amendment would thwart recovery efforts for these important indicator species. This amendment would cut off all funding to these 6 endangered species of mussels. However, they would remain protected under the ESA and it would still be illegal to kill them. The amendment would eliminate funding for recovery efforts such as federal-state captive breeding programs, law enforcement efforts and consultations. It would also eliminate funding for consultations under the ESA, meaning that federally-funded projects throughout the species' range would effectively be put on hold because the federal wildlife agencies would be unable to authorize projects or approve permits without doing the required ESA consultations.</p> <p>Not only would this amendment harm the 6 species of mussels implicated; it would also put many federally-funded projects on hold and leave stakeholders with uncertainty. It would also slow down the recovery of species, inevitably increasing the ultimate total cost to save a species from extinction.</p>
<p>*H. Amdt. 628 to FY 16 Inter. Approps. (H.R. 2822) House Interior Appropriations Bill of 2016; ESA Status Review</p> <p>7/7/15 Amendment offered; agreed to by voice vote</p>	Lamborn [R-CO]	This amendment prohibits the use of funds to implement or enforce the threatened species or endangered species listing of any plant or wildlife that has not undergone a review as required by the ESA.	This amendment would devastate conservation and recovery efforts for listed species any time the agency fails to meet its obligation to complete a 5-year review of the species' status. The agencies are often prevented from completing these reviews on time due to lack of funding, or due to competing priorities. It would inevitably leave many species in a state of limbo, because they would retain their ESA status, but all federal funding for recovery efforts, law enforcement efforts, and consultations would be blocked.



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
*H. Amdt. 627 to FY 16 Inter. Approps. (H.R. 2822) House Interior Appropriations Bill of 2016; Preble's Meadow Jumping Mouse 7/7/15 Amendment offered; agreed to by voice vote	Lamborn [R-CO]	This amendment prohibits the use of funds to implement or enforce the threatened species listing of the Preble's meadow jumping mouse.	<p>This amendment would thwart recovery efforts for the threatened Preble's Meadow Jumping Mouse under the ESA. This amendment would cut off all funding to the species. However, the mouse would remain protected under the ESA. The amendment would eliminate funding for crucial recovery programs for the mouse, such as Habitat Conservation Plans, that require the participation of private and public land managers as well as federal funding. It would also eliminate funding for consultations under the ESA, meaning that federally-funded projects throughout the species' range would effectively be put on hold because the federal wildlife agencies would be unable to authorize projects or approve permits without doing the required ESA consultations.</p> <p>Not only would this amendment harm the Preble's meadow jumping mouse – it would also put many federally-funded projects on hold and leave stakeholders with uncertainty. It would also slow down the recovery of species, inevitably increasing the ultimate total cost to save the mouse from extinction.</p>
*H. Amdt. 626 to FY 16 Inter. Approps. (H.R. 2822) House Interior Appropriations Bill of 2016; Northern Long-Eared Bat 7/7/15	Thompson [R-PA]	This amendment prohibits the use of funds to treat the northern long-eared bat as an endangered species.	This amendment inappropriately interferes with the agency's science-based decision-making process under the Act. Moreover, the agency recently listed the bat as threatened, making this amendment untimely and unnecessary.



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
Amendment offered; agreed to by voice vote			
*H. Amdt. 615 to FY 16 Inter. Approps. (H.R. 2822) House Interior Appropriations Bill of 2016; Lesser Prairie-Chicken 7/7/15 Amendment offered; agreed to by voice vote	Yoder [R-KS]	This amendment prohibits the use of funds to implement or enforce the threatened species listing of the lesser prairie-chicken.	<p>This amendment would thwart recovery efforts for the threatened lesser prairie-chicken under the ESA. This amendment would cut off all funding to the species. However, the species would remain protected under the ESA. The amendment would eliminate funding for crucial recovery programs for species. It would also eliminate funding for consultations under the ESA, meaning that federally-funded projects throughout the species' range would effectively be put on hold because the federal wildlife agencies would be unable to authorize projects or approve permits without doing the required ESA consultations.</p> <p>Not only would this amendment continue the downward spiral for a species that experienced a 50% population drop in a single year – it would also put many federally-funded projects on hold and leave stakeholders with uncertainty. It would also slow down the recovery of species, inevitably increasing the ultimate total cost to save the lesser prairie-chicken from extinction.</p>
H. Amdt. 611 to FY 16 Inter. Approps. (H.R. 2822) House Interior Appropriations Bill of 2016; Gray Wolves 7/7/15	Newhouse [R-WA]	This amendment would prevent the Department of Interior from using funds “to treat gray wolves in Washington, Oregon and Utah as [an] endangered species or threatened species” under the ESA, effectively removing existing ESA protections for wolves in these three states and jeopardizing their conservation and recovery.	While wolf recovery has had some great successes, there is still significant work to be done. It is too soon to remove ESA protections for wolves in these three states. In Washington, there are only 66 confirmed wolves in the entire state, and only 11 of these wolves exist in areas where there are federal protections. In Oregon, there are only 77 wolves in the entire state, and only 2 known wolf packs. In Utah, there are no known wolves because the state does not allow them to form packs in the areas where wolves have already been



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
Amendment offered			delisted. Moreover, a legislative rider to delist wolves would continue the damaging precedent of delisting individual species set by the 2011 appropriations rider that delisted wolves in Idaho, Montana, and parts of Oregon, Washington, and Utah. Congress should not be meddling with science-based administrative decisions under the ESA.
*H. Amdt. 581 to FY 16 Inter. Approps. (H.R. 2822) House Interior Appropriations Bill of 2016; Sonoran Desert Tortoise 7/7/15 Amendment offered; agreed to by voice vote	Gosar [R-AZ]	This amendment prohibits the use of funds to list the Sonoran desert tortoise as an endangered species or threatened species.	The Sonoran desert tortoise, which has been a candidate for listing since 2010, experienced a 51 percent population decline from 1987 to 2006 and currently faces numerous threats including improper livestock grazing, human depredation and climate change. Delaying a listing for the desert tortoise will ultimately make the species' recovery longer, more costly and more burdensome.
H. Amdt. 3 to FY 16 Inter. Approps. (H.R. 2822) House Interior Appropriations Bill of 2016; Lesser Prairie-Chicken 6/23/15 Amendment offered	Huelskamp [R-KS]	This amendment prohibits the use of funds to list the lesser prairie-chicken under Section 4 of the ESA.	The lesser prairie-chicken is currently listed as threatened under the ESA. This amendment would prohibit FWS from "uplisting" the imperiled bird to endangered, even if its populations continue to decline, and the species becomes in danger of extinction through its entire range or a significant portion of its range.
H. Amdt. 2 to FY 16 Inter. Approps. (H.R. 2822)	Huelskamp [R-KS]	This amendment prohibits the use of funds to implement or enforce the threatened species listing of the lesser prairie-chicken.	This amendment would thwart recovery efforts for the threatened lesser prairie-chicken under the ESA. This amendment would cut off all funding to the species.

Last Updated 12/21/16 • Bills listed in reverse chronological order by latest action • House/Senate companion bills are grouped together • * indicates favorable vote in ≥ 1 chamber



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
House Interior Appropriations Bill of 2016; Lesser Prairie-Chicken 6/23/15 Amendment offered			<p>However, the species would remain protected under the ESA. The amendment would eliminate funding for crucial recovery programs for species. It would also eliminate funding for consultations under the ESA, meaning that federally-funded projects throughout the species' range would effectively be put on hold because the federal wildlife agencies would be unable to authorize projects or approve permits without doing the required ESA consultations.</p> <p>Not only would this amendment continue the downward spiral for a species that experienced a 50% population drop in a single year – it would also put many federally-funded projects on hold and leave stakeholders with uncertainty. It would also slow down the recovery of species, inevitably increasing the ultimate total cost to save the lesser prairie-chicken from extinction.</p>
Sec. 122 of FY 16 Inter. Approps. (H.R. 2822) House Interior Appropriations Bill of 2016; Northern Long-Eared Bat 6/18/15 Introduced; Referred to the Appropriations Cmte. 6/25/15 Floor consideration	Calvert [R-CA]	This ambiguously-drafted provision appears to expand and statutorily codify an already problematic U.S. Fish and Wildlife Service special rule for the northern long-eared bat.	<p>When FWS published its final rule listing the bat as threatened, it also published a proposed special 4(d) rule that would eliminate vital legal protections that might otherwise help the species survive and establishes “conservation measures” that are too limited geographically and temporally. This amendment would prevent any changes to the proposed 4(d) rule, and further weaken this rule by exempting incidental take caused by any industry activity.</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
Sec. 121 of FY 16 Inter. Approps. (H.R. 2822) House Interior Appropriations Bill of 2016; Gray Wolf 6/18/15 Introduced; Referred to the Appropriations Cmte. 6/25/15 Floor consideration	Calvert [R-CA]	This provision would legislatively order the Secretary of the Interior to reissue rules delisting gray wolves in Wyoming and the Great Lakes states and shield those rules from any additional judicial review. The rules were declared unlawful under the ESA and invalidated by two separate federal judges.	This provision would short-stop wolf recovery in the lower-48 states and invite further Congressional micro-management of the ESA.
Sec. 120 of FY 16 Inter. Approps. (H.R. 2822) House Interior Appropriations Bill of 2016; Elephant Ivory 6/18/15 Introduced; Referred to the Appropriations Cmte. 6/25/15 Floor consideration	Calvert [R-CA]	This provision would prevent the use of government funds to “draft, prepare, implement or enforce any new or revised regulation” prohibiting or restricting ivory trade previously allowed within the United States. It would block the implementation and enforcement of FWS’s proposed regulations to crack down on ivory trafficking and the illegal sale of elephant ivory.	<p>In an effort to address the African elephant poaching crisis, FWS recently proposed new restrictions on the sale of commercial ivory within the United States. An elephant is poached every 15 minutes for its ivory tusks, and as the U.S. is the second largest market for elephant ivory, domestic demand is fueling current poaching levels.</p> <p>The proposed regulations ban the commercial sale of most ivory in interstate and foreign commerce- with some exceptions allowing for the domestic sale of items such as bona fide antiques - without affecting the ability of individuals to possess and use legally-obtained ivory. The regulations require sellers to demonstrate that ivory items were legally acquired and tightens the existing, Congressionally-mandated ban on the import and export of most ivory, with certain exceptions. They also limit the importation of sport-hunted African elephant trophies to two per hunter per year.</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
			This provision would prevent FWS from finalizing, implementing, or enforcing these regulations, which would crack down on the trade of illegal elephant ivory in the U.S. and help curb the poaching of elephants for ivory. Instead, it would further imperil African elephants.
Sec. 117 of FY 16 Inter. Approps. (H.R. 2822) House Interior Appropriations Bill of 2016; Sage-Grouse 6/18/15 Introduced; Referred to the Appropriations Cmte. 6/25/15 Floor consideration	Calvert [R-CA]	This provision would prevent the FWS from even considering greater sage-grouse and the Columbia Basin sage-grouse for possible listing under the ESA for at least another year.	Both populations of sage-grouse have waited more than a decade for a listing decision. Additional delays would make conservation and recovery of these grouse more difficult, more expensive and more disruptive in the future. Additionally, the listing decision delay could undermine planning efforts presently underway to balance land uses with sage-grouse conservation on tens of millions of acres in the West. These planning processes could unravel if sage-grouse listing decisions are delayed.
H.R. 2910 Mexican Wolf Transparency and Accountability Act 6/25/15 Introduced; Referred to the Natural Resources Cmte.	Gosar [R-AZ]	This bill would nullify a recent FWS rule (80 Fed. Reg. 2488) listing as endangered the Mexican gray wolf in Arizona and New Mexico – the most endangered population of wolves in the country. It would also nullify a U.S. Fish and Wildlife Service rule (80 Fed. Reg. 1512) improving the effectiveness of the reintroduction project managing a nonessential experimental population of Mexican wolves. In spite of what the sponsors of this bill would have the public believe, the Mexican gray wolf has not yet recovered. It requires the protections of the ESA to do so.	There are fewer than 120 wild Mexican gray wolves in the entire world – 109 in Arizona and New Mexico and a handful in Mexico. While the Mexican gray wolf is struggling to survive, it has become a target of ideological opponents who spread misinformation and sensational scare tactics about these wolves. Mexican gray wolves pose virtually no threat to human beings, and there are several programs available to help ranchers avoid conflicts between Mexican gray wolves and livestock, including a new program in the Southwest that pays ranchers an incentive to share their



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
			grazing lands with wolves. The Mexican gray wolf requires ESA protection and the full engagement of FWS to ensure its recovery. If the lobo is ever to recover it must remain protected under the ESA.
*Sec. 128 to FY 16 Inter. Approps. (S. 1645) Senate Interior Appropriations Bill of 2016; lesser prairie-chicken 6/18/15 Amendment introduced in committee; Agreed to in committee 16-14 6/23/15 Introduced in Senate	Moran [R-AK]	This amendment prohibits the use of funds to treat the lesser prairie-chicken as a threatened species under the ESA.	<p>This amendment would block federal funding for the threatened lesser prairie-chicken under the ESA, thwarting recovery efforts for this southwestern bird, which continues to experience habitat loss and face other threats throughout its range. This amendment would cut off all funding to the lesser prairie-chicken, but the imperiled bird would still remain protected under the ESA. It would eliminate funding for recovery efforts, including cooperative projects between FWS and State and local governments. It would also eliminate funding for consultations under the ESA, meaning that federally-funded projects throughout the species' range would effectively be put on hold because the federal wildlife agencies would be unable to authorize projects or approve permits.</p> <p>Not only would this amendment continue the downward spiral for a species that experienced a 50% population drop in a single year – it would also put many federally-funded projects on hold and leave stakeholders with uncertainty. It would also slow down the recovery of species, inevitably increasing the ultimate total cost to save the lesser prairie-chicken from extinction.</p>
Sec. 119 of FY 16 Inter. Approps. (S. 1645) Senate Interior Appropriations Bill	Murkowski [R-AK]	This provision would once again delay potential ESA protection for all four sage-grouse species for at least another year.	The greater sage-grouse and the Columbia basin sage-grouse have waited more than a decade for a listing decision. Greater sage-grouse populations have declined by more than 90 percent from historical levels, according to some estimates, and the Columbia Basin population has been reduced to fewer than 1,000 birds.



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
of 2016; Sage-Grouse 6/23/15 Introduced in Senate			Additional delays could make conservation and recovery of these birds more difficult, more expensive and more disruptive in the future. Moreover, this rider, purportedly introduced to give more time for states and federal agencies to complete conservation planning for sage-grouse, is wholly unnecessary. Federal and state planning processes will be completed before the Fish and Wildlife Service makes listing determinations for either population of sage-grouse. The provisions delaying a decision for the Gunnison sage-grouse and the bi-state sage-grouse are not timely; FWS already decided to list the Gunnison sage-grouse as threatened in November, 2014, and in April, 2015, the agency determined that the bi-state population did not warrant ESA protection.
Sec. 110 of FY 16 Inter. Approps. (S. 1645) Senate Interior Appropriations Bill of 2016; Gray Wolves 6/23/15 Introduced in Senate	Murkowski [R-AK]	This provision would legislatively order the Secretary of the Interior to reissue rules delisting gray wolves in Wyoming and the Great Lakes states and shield those rules from any additional judicial review. The rules were declared unlawful under the ESA and invalidated by two separate federal judges.	This provision would short-stop wolf recovery in the lower-48 states and invite further Congressional micro-management of the ESA.
H.R. 2735 Accountable Recovery Act 6/11/15 Introduced; Referred to the	Conaway [R-TX]	Amends section 4(f) of the ESA concerning recovery plans in the following ways: <ul style="list-style-type: none"> - Requires the Secretary to develop and implement recovery plans at the time the Secretary makes a listing determination. - Requires the Secretary to incorporate objective numerical recovery goals into each plan. 	This bill requires the Secretary to establish “objective numerical recovery goals” for species’ recovery plans in contravention of the ESA’s science-based recovery process. The new provision allowing for the automatic removal of ESA protections for species any time the Secretary fails to respond to a petition from <i>any person</i> alleging that those numerical recovery goals have been met would severely hamper species’ recovery. This



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
Natural Resources Cmte.		Adds a new provision to section 4(f) of the ESA that would allow States in which a listed species is located OR “any other interested State or other person” to petition the Secretary if any listed species has met the objective numerical recovery goals outlined in the species’ recovery plans. The Secretary would then be required to respond to the petition within 30 days. If the Secretary does not respond within that time with a determination that the petition does not present substantial information, or that such goals have been achieved, the species will be deemed to have been removed from the list of threatened and endangered species.	arbitrary, non-scientific process for allegedly “recovering” species counters the purpose of the ESA – to conserve and recover species using the best available science. Moreover, the requirement for the Secretary to respond to petitions would distract the Services from meaningful recovery work and unnecessarily strain agency resources.
S. Amdt. 1709 to Senate Amdt. 1463 in the nature of a substitute to the House FY 16 NDAA (H.R. 1735) National Defense Authorization Act; Sage-grouse 5/19/15 Bill introduced in Senate 6/4/15 Amendment filed	Gardner [R-CO]	This amendment would delay a listing decision for the greater sage-grouse for at least 6 years, during which time federal agencies would be required to follow state plans to manage sage-grouse, regardless of whether they adequately protect this imperiled bird. In doing so, this amendment would derail the ongoing National Greater Sage-Grouse Planning Strategy, wasting the millions of dollars that have been invested in the strategy, delaying sage-grouse conservation and creating a patchwork of inconsistent and inadequate direction for sage-grouse management on federal lands to the detriment of sage-grouse and other public values. The amendment overrides a pending ESA listing decision and undermines the Act by inappropriately injecting politics into a decision that should be based on the best available science. Moreover, requiring federal agencies to manage federal lands in accordance with state sage-grouse strategies inappropriately rescinds federal authority on 60 million acres of public lands.	This amendment was not requested by the Department of Defense, and it would not improve military readiness. It would jeopardize the conservation and recovery of the greater sage-grouse, and set a dangerous precedent of allowing states to manage public lands.
S. Amdt. 1678 to Senate Amdt. 1463 in the nature of a substitute to the House FY 16	Lee [R-UT]	This amendment delays a potential listing for the greater sage-grouse for at least ten years, even though FWS determined the species warranted consideration for listing in 2010 and faces a 2015 deadline for making its final determination. It also derails the ongoing National Greater Sage-Grouse Planning Strategy,	This amendment was not requested by the Department of Defense, and it would not improve military readiness. It would jeopardize the conservation and recovery of the greater sage-grouse, the lesser prairie-chicken, and the American burying beetle, and set a dangerous



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
NDAA (H.R. 1735) National Defense Authorization Act; Sage-grouse, Lesser prairie-chicken, & American Burying Beetle 5/19/15 Bill introduced in Senate 6/4/15 Amendment filed		wasting the tens of millions of dollars that have been invested in the strategy and further delaying sage-grouse conservation. Moreover, it transfers oversight of as many as 60 million acres of federal lands that are home to sage-grouse to western states by requiring that all federal conservation strategies comply with lesser state guidance for managing the bird. State actions that override federal conservation strategies would not be subject to judicial review, nor would the 10-year delay for listing the greater sage-grouse. Additionally, the amendment removes necessary ESA protections for the threatened lesser prairie-chicken and the endangered American burying beetle.	precedent of allowing states to manage public lands. This is a cynical and opportunistic attempt to use the NDAA as a vehicle to undermine the ESA and legislatively delist species.
* H. Amdt. 354 to the Commerce, Justice & Science Appropriations Act (H.R. 2578) – adopted as Sec. 573 6/3/15 Offered on the House Floor 6/3/15 Agreed to by recorded vote 245 - 181	Denham [R-CA]	This provision would unnecessarily prohibit NMFS from using any funds to implement any existing recovery plans for salmon and steelhead populations listed under the ESA in California's Central Valley Recovery Domain if that recovery plan does not address predation by non-native species. There is little scientific evidence showing that such measures can effectively increase salmon populations.	The existing recovery plan does identify measures to address predation on salmon, but there is little scientific evidence that such measures can effectively increase salmon populations, many of which have co-existed with salmon for more than a century. Measures to address predation on threatened or endangered species of salmon cannot be a substitute for adequate restrictions on excessive water diversions and high water temperatures below dams, which have caused major mortality of Central California salmon populations.
*H.R. 1335 Strengthening Fishing	Young [R-AK]	Section 15 of this bill undermines the ESA and the Marine MMPA by seeking to put fishery management councils in charge of recovering endangered and threatened marine	Fishery management councils lack the expertise, resources and potentially legal authority to address critical issues regarding species that warrant the



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>Communities and Increasing Flexibility in Fisheries Management Act</p> <p>3/4/15 Introduced; Referred to the Natural Resources Cmte.</p> <p>4/29/15 Cmte. Consideration and mark-up session held</p> <p>4/30/15 Ordered to be reported by the Yeas and Nays: 21-14</p> <p>5/15/15 Reported by the Natural Resources Cmte. & Placed on Union Calendar</p> <p>5/21/15 H. Res. 274 to consider bill with 1 hour of general</p>		<p>mammals, sea turtles, and other vulnerable ocean species affected by fishing.</p>	<p>protection of the ESA and/or MMPA. If enacted into law, H.R. 1335 could compromise efforts to conserve and recovery endangered and threatened marine mammals, sea turtles, and other species affected by fishing.</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>debate passed House</p> <p>6/1/15 Agreed to by recorded vote [Yea-Nay vote of 225-152]</p> <p>6/2/15 Received in Senate; Referred to Commerce Cmte.</p>			
<p>H.R. 2109 Endangered Species Litigation Reasonable Act</p> <p>4/29/15 Introduced are referred to the Natural Resources & Judiciary Cmtes.</p> <p>6/1/15 Referred to the Judiciary Subcmte on the Constitution and Civil Justice</p>	<p>Huizenga [R-MI] 18 cosponsors</p>	<p>This bill amends section 11(g)(4) of the ESA by striking “to any” and all that follows through the end of the sentence and inserting “to any prevailing party in accordance with section 2412 of title 28, United States Code.” 28 U.S.C. 2412 is the Equal Access to Justice Act (EAJA).</p>	<p>This amendment would undermine citizens’ ability to enforce the ESA by restricting citizens’ ability to recover litigation costs when they prevail in court.</p> <p>Under this amendment, a citizen who successfully challenges illegal government action under the ESA would be subject to the fee recovery restrictions of EAJA, which affords a vital means of court access for citizens across the political spectrum. For three decades, veterans, seniors, persons with disabilities, small businesses, and non-profit groups have relied on EAJA in bringing cases that root out government abuse and ensure governmental compliance with our laws. However, EAJA’s fee caps can make it difficult for citizens to obtain counsel. The attorney fee caps included in EAJA often fall well below market rates for attorneys. In subjecting ESA citizen enforcement cases to EAJA’s below-market cap on attorneys’ fees, this amendment would make it more difficult for citizens from across the political spectrum to obtain counsel to challenge illegal government actions. Already, attorney</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
			fees under the citizen-suit provision of the ESA are limited by law and vetted by the courts. Payment of these fees to successful litigants is an important and worthwhile investment in our democracy, ensuring that all of us – not just the very rich and the very powerful – have access to justice through our courts.
Sec. 313 to the Senate FY 16 NDAA (S. 1376) Senate National Defense Authorization Act 5/19/15 Bill introduced in Senate	McCain [R-AZ]	This provision would weaken both the ESA and MMPA by unnecessarily giving the U.S. Navy broad exemptions to both statutes, allowing their activities to potentially kill, injure, and otherwise harm threatened sea otters off two Southern California islands without review.	Current law already provides the Navy with the ability to ensure that the protection of sea otters does not impede military readiness; there is no need for a sweeping exemption from environmental law.
H.R. 2352 State, Tribal, and Local Species Transparency and Recovery Act 5/15/15 Introduced; Referred to Natural Resources Cmte. S. 736 State, Tribal, and Local Species Transparency and Recovery Act 3/12/15	Neugebauer [R-TX] 8 cosponsors Enzi [R-WY] 5 cosponsors	Identical to S. 2630 and H.R. 4317 from last Congress. Section 2 of S. 736/Section 2(a) of H.R. 2352 amends Section 6 of the ESA to create a new requirement that before making a listing determination, the Secretary must provide “all data that is the basis of the determination” to any State affected by the determination. Section 3 of S. 736/Section 2(b) of H.R. 2352 explicitly defines “best scientific and commercial data” to “include[] all such data submitted by a State, tribal, or county government,” thereby directing federal wildlife agencies to utilize state, tribal, and county-provided data in listing decisions, even if such data is not developed by scientists, or is of very poor quality.	Section 2/2(a) of this bill is duplicative and unnecessary. Section 4 of the ESA already requires the Secretary to give actual notice of the complete text of any proposed listing determination to any affected State. Moreover, the Services already work extensively with the States under Section 6 of the ESA which requires the Secretary “to cooperate to the maximum extent practicable with the States.” For example, the Services have established, in coordination with the States, a Joint Federal/State Task Force for ESA Policy to review operational policies and issues and to recommend solutions to improve and strengthen the partnership between the States and the Services in implementing the ESA. The section adding a “definition” of best available data could be interpreted to mean that only such data submitted by a State, tribal, or county government shall be considered best available which in turn could



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>Introduced; Referred to EPW</p> <p>5/6/15 EPW hearing held</p>			<p>preclude the Services from relying on or considering other available and better data. At the very least it could be read as creating a preference for data submitted by a State, tribal or county government when there is no scientific justification for doing so.</p> <p>This provision also appears to require the Services to include the state data even if it is not the best – even if it were not developed by scientists or is poor research that would otherwise be excluded, the Services would be forced to include it and it would skew the decision. The Services already openly solicit the best available information when they make petition findings and develop proposed rules. The current law is sufficient: “best scientific and commercial data available” already includes all State, tribal and county data, as long as it is the best science available.</p> <p>State, tribal or county agency reports are often not peer-reviewed, and in those cases would not constitute the best available science. But if they are peer-reviewed, they are used by the Services. Rather than improving the use of science in decisions under the ESA, H.R. 4317 is anti-science.</p> <p>This bill does nothing to improve the science used in ESA decisions, and would instead result in the use of deficient and less sound scientific information.</p>
<p>S. 1036 Sage Grouse Protection and Conservation Act</p> <p>4/22/15</p>	Gardner [R-CO]	This bill prohibits FWS from listing greater sage-grouse under the ESA for at least 6 years, and requires the Secretaries of Interior and Agriculture to support western states in developing statewide sage-grouse conservation plans. It requires that federal agencies accept statewide plans, including existing plans approved and endorsed by FWS, as direction for	This bill resets the clock on the ongoing National Greater Sage-Grouse Planning Strategy, interfering with an unprecedented planning process that is already underway. The National Greater Sage-Grouse Planning Strategy is working to amend 98 federal resource and land use plans with additional measures to conserve



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>Introduced; Referred to the EPW Cmte.</p> <p>5/6/15 EPW hearing held</p> <p>H.R. 1997 Sage Grouse Protection and Conservation Act</p> <p>4/23/15 Introduced; Referred to the Natural Resources Cmte.</p>	<p>Stewart [R-UT]</p>	<p>managing sage-grouse on Bureau of Land Management and National Forest System lands (§2(d)(a)), as the basis for all relevant determinations under the National Environmental Policy Act (§2(d)(3)), while also “tak[ing] immediate action to amend all Federal land use plans” to comply with state plans (§2(e)(3)), and immediately rescinding any conservation measure on federal lands that are inconsistent with state plans (§2(e)(5)). Moreover, it removes the Gunnison sage-grouse from the federal threatened and endangered species list, relegating the species to candidate status again for at least 6 years. It also reverses FWS’s decision withdrawing its proposed “threatened” listing rule for the bi-state sage-grouse, designating the population as a candidate for listing again.</p>	<p>sage-grouse on approximately 60 million acres of federal public lands in the West. We will know by August whether these revised plans will be sufficient to conserve the grouse, as well as hundreds of other species that depend on sagebrush habitat. This legislation would reset the clock on the planning process by requiring the administration to evaluate and apply state conservation strategies to federal lands, wasting millions of dollars invested in the current planning process and delaying conservation action for sage-grouse for years longer.</p> <p>Moreover, it inappropriately rescinds federal authority on public lands. By requiring that federal agencies manage federal lands in accordance with state sage-grouse strategies for at least 6 years, this bill effectively transfers management of 60 million acres of federal lands that are home to sage-grouse to western states. This is right in line with several other attempts in the current Congress to simply give away federal lands to the states. State management plans are generally less protective of sage-grouse and their habitat than draft federal land use plans. Taxpayers have already invested tens of millions of dollars in the federal sage-grouse planning process, which will be completed this summer. This legislation would require federal agencies to spend many more months and millions more dollars to rewrite federal conservation plans to comport with individual state management plans. The result would be a patchwork of inconsistent and inadequate state-dictated direction for managing sage-grouse on federal lands, to the detriment of sage-grouse and other public values.</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>S. 655 A bill to prohibit the use of funds by the Secretary of the Interior to make a final determination on the listing of the northern long-eared bat under the ESA</p> <p>3/4/15 Introduced; Referred to EPW</p> <p>5/6/15 EPW hearing held</p>	<p>Thune [R-SD]</p>	<p>This bill would prevent the Secretary of the Interior from using funds to make a final determination on the listing of the northern long-eared bat under the ESA. Since FWS already published a final rule listing the northern long-eared bat as threatened on April 2, 2015, this bill has no practical effect.</p>	<p>FWS published a final rule listing the northern long-eared bat as a threatened species on April 2, 2015. The language of the bill only prevents FWS from using any funds to make a final determination – it does not delist the species. Therefore, this bill is completely obsolete. Nevertheless, it attempts injects politics into the listing process under the ESA, which should be based entirely on the best available science. Legislation that interferes with the ESA's science-based decision-making process will only lead to more extinctions.</p>
<p>H.R. 1589 A bill to prohibit the use of funds by the Secretary of the Interior to make a final determination on the listing of the northern long-eared bat under the ESA</p> <p>3/24/15</p>	<p>Noem [R-SD]</p>		



Last Updated 12/21/16 • Bills listed in reverse chronological order by latest action • House/Senate companion bills are grouped together • * indicates favorable vote in ≥ 1 chamber



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>approval of certain settlements</p> <p>1/28/15 Introduced; Referred to the Natural Resources Cmte and the Judiciary Cmte</p> <p>3/17/15 Referred to the Judiciary Subcmtes on the Constitution & Civil Justice, and Regulatory Reform, Commercial, & Antitrust Law</p>			<p>This would considerably reduce incentive for timely resolutions to environmental cases and fuel the argument that citizen suits delay progress.</p> <p>Requiring sign-off from states and counties before a settlement is approved would make settlements regarding endangered species practically impossible, particularly in relation to species that have a large geographic range. ESA opponents often contend that time consuming, lengthy litigation causes delays in development. Settlements should be encouraged, not made impossible.</p>
<p>S. 292 21st Century Endangered Species Transparency Act</p> <p>1/28/15 Introduced; Referred to EPW</p> <p>5/6/15 EPW hearing held</p> <p>H.R. 1667 The 21st Century Endangered</p>	<p>Cornyn [R-TX] 13 cosponsors</p> <p>Lummis [R-WY] 3 cosponsors</p>	<p>Identical language to S. 2635 & H.R. 4315 as reported from the Natural Resources Committee from the 113th Congress. H.R. 4315 eventually passed the House as a package with 3 additional bills included. This bill adds a new item (9) to Section 4(b) of the ESA, requiring the Secretary of the Interior to make publicly available on the Internet the best scientific and commercial data available that are the basis for each regulation, including each proposed regulation, promulgated under subsection (a)(1). Ignores current section 4(b)(8) which requires the publication of a summary of the data on which listing regulations are based in the Federal Register.</p> <p>By its terms the bill appears only to apply to subsection (a)(1) which deals only with listings by FWS. Subsection (a)(2) deals with listings by NMFS. Thus this requirement would not appear to affect NMFS or marine species. Additionally, by its</p>	<p>Currently, any regulation under Section 4 (final or proposed) along with a summary of the data is published in the Federal Register (which is available on the internet). This bill would greatly expand that requirement by appearing to call for the publication of massive amounts of raw scientific data, increasing the costs of listing by imposing a burden on FWS that it may be unable to meet. FWS does not currently have the resources necessary to create such a system and upload to the Internet the massive amounts of data involved. The bill is unnecessary and duplicative. The bill could undermine scientists work by requiring the release of data before researchers' studies have been peer-reviewed and published. The bill also could facilitate poaching by requiring disclosure of all data.</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
Species Transparency Act 3/26/15 Introduced; Referred to the Natural Resources Cmte		terms it does not appear to apply to critical habitat designations which also must be made on the best scientific and commercial data available, but which are made under subsection (a)(3) not (a)(1).	
S. 112 Common Sense in Species Protection Act of 2015 1/7/15 Introduced; Referred to EPW 5/6/15 EPW hearing held H.R. 2098 Common Sense in Species Protection Act of 2015	Heller [R-NV] Crawford [R-AR]	Identical language to H.R. 4319 from the 113 th Congress. This bill amends the ESA to do two things. First, it amends section 4(b)(2) by changing the word “may” in the second sentence to “shall.” This makes it mandatory for the Secretary to exclude any area from critical habitat if she determines that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat whereas previously, the Secretary had the discretion to decide to do so. Second, it adds new section 4(b)(2)(C), which requires, at the time of the publication of a proposed rule to designate critical habitat, the publication of a draft economic analysis of the “incremental and cumulative economic effects of all actions to protect the species and its habitat...upon each State and location that is the subject of, or affected by, the proposed designation.” These “actions” include the ESA’s Section 7 prohibition on jeopardizing a species and the Section 9 restrictions on “take” – both of which arise from listing decisions rather than critical habitat designations. Thus, the bill would circumvent the ESA’s express prohibition against injecting economics into listing decisions by forcing the FWS and NMFS to identify and consider the economic impacts of listings.	This bill does not uphold any purported goal of improving the ESA “for the benefit of saving species.” The motivation for this bill appears to be short term economic gain. Whereas currently the Secretary has the discretion to exclude certain areas from critical habitat if the benefits of such exclusion outweigh the benefits of specifying the area as critical habitat, this bill would turn that discretionary decision into a mandatory duty regardless of whether the exclusion would jeopardize the species’ recovery. This violates the essential ESA principle that both listing decisions and critical habitat designations should be based first and foremost on the best scientific biological data available. Furthermore, the Services would be crippled by this bill’s requirement to consider the public and private economic effects on land and property values, water and other public services, employment, and government revenue. The agencies would need substantially more staff, including many more economists, to make these determinations. Given that the agencies already lack adequate staff to complete their current obligations, the additional requirements under this bill would virtually halt any further critical habitat designations.



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
			The bill would make critical habitat designation significantly more burdensome by requiring the agency to simultaneously publish an economic analysis examining the “incremental and cumulative economic effects of all actions to protect the species and its habitat” on all affected States and localities.
H.R. 2134 Listing Reform Act 4/30/15 Introduced; Referred to the Natural Resources Cmte.	Olson [R-TX]	This bill makes the following changes to the ESA: <ul style="list-style-type: none"> • This bill would remove any deadline for FWS to make its initial 90-day findings in response to listing petitions. • FWS would no longer review petitions on a “first in, first out” basis, and it would be prohibited from preferring listing petitions over delisting petitions. • It removes any deadline to the 12-month petition finding by changing “shall” to “as expeditiously as practicable.” The 12-month deadline would now be a mere ambition; not a requirement. • It allows FWS to refuse to list a species it believes warrants a “threatened” listing based on the potential economic impacts of either the listing or the likely critical habitat designation. ESA listings would no longer be determined using only science, but on science and economic considerations. • Moreover, the bill prevents FWS from reconsidering the decision to preclude listing based on economic considerations unless it subsequently finds the species is suffering from “endangerment or extinction,” or it gets a new petition with a complete economic analysis conducted by the petitioner saying that protecting the species will have no economic impacts. 	This bill completely guts the citizen petition process for listing species by removing all the deadlines that have historically allowed citizens to have their petitions ruled on in a timely fashion. In addition to ignoring citizens, this bill is likely designed to ensure very few species are listed. Roughly 95% of the species added to the current list in the last 10 years were as a result of citizen petitions. FWS rarely lists species on its own accord without being prompted by a petition. Additionally, the bill puts a price on species by enabling FWS to determine that a species that would normally be listed as threatened does not receive those protections if there are economic impacts. The bill virtually destroys the “threatened” species category, which would actually make it more expensive for the government to save species from extinction by requiring expensive programs like captive breeding and reintroductions after the species has declined even further.
S. 1142 Native Species Protection Act	Lee [R-UT] 3 cosponsors	This bill would prevent “intrastate species,” meaning species found entirely within the borders of one state, from being regulated under the ESA.	This bill would severely undermine the ESA and devastate endangered species conservation by stripping federal protections from all intrastate species. Roughly



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
4/30/15 Introduced; Referred to the EPW Cmte.			50% of all listed species nationwide reside in only one state. According to recent data, roughly 900 species currently receiving federal protection are intrastate species. This bill would exclude from ESA protection every listed plant or animal on Hawaii, all species in Puerto Rico, and about 200 species in California. This would be devastating for endangered species conservation because states lack the necessary funding and regulatory mechanisms to conserve and recover endangered species. For example, in 2012, 41 state wildlife agencies combined spent less than one-fifth of what FWS and NMFS spent on endangered species conservation. Declining resident species are only listed under the ESA because states have already failed to stop their decline. This bill would all but guarantee extinction for many intrastate species.
H.R. 1985 Pacific Northwest Gray Wolf Management Act of 2015 4/23/15 Introduced; Referred to the Natural Resources Cmte	Newhouse [R-WA] 2 cosponsors	This bill would remove federal protections under the ESA for gray wolves in Washington, Oregon and Utah.	Strips federal protections from wolves in states where they are still recovering. Moreover, it prohibits the covered states from providing better protections than the ESA would provide.
H.R. 1668 To amend the ESA to provide for suspension of the Act to water releases by Federal and State agencies	McClintock [R-CA]	This bill would amend the ESA by adding a new section 10(k) that would mandate the suspension of the ESA with respect to water releases from federal and state reservoirs in navigable river basins that are affected by drought. The existence and duration of a drought in a particular river basin would be determined by the Secretary of Interior, Secretary of the Army or the Governor of the relevant state. During the time the	The bill's impact on operations of California's two major water projects would be limited because the bill is written too narrowly to cover all the relevant components of these projects. For example, the bill doesn't affect the operations of the export pumps in the Sacramento-San Joaquin Delta, and the RPAs in biological opinions for the Delta smelt and several



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>in river basins that are affected by drought</p> <p>3/26/15 Introduced; Referred to the House Natural Resources Cmte.</p> <p>4/22/15 Sponsor introductory remarks on measure</p>		<p>ESA is suspended, water releases may still be made in accordance with the ESA if, and only if, one of the Secretaries or the Governor certify that the releases will not harm the economy and so long as water users will not be required to implement any water conservation measures.</p>	<p>salmonid species would continue to govern the pumps' operations. Additionally, the bill does not seem to preempt state law, so agencies operating the reservoirs would still have to release water to meet California's water quality requirements, and these flows would continue to benefit fish. The bill could impact wildlife refuges that rely on water that is exported from the Delta because reduced reservoir releases might trigger stricter pumping limitations in the biological opinions, making less water available to export and deliver to the refuges. However, these impacts would be limited because the Central Valley Project Improvement Act establishes a minimum amount of water that the Bureau of Reclamation is required to deliver to the refuges.</p> <p>The impacts on river systems outside of California could be devastating. This bill would eliminate the constraints on water releases normally imposed by biological opinions during drought, when they are arguably most needed. The geographic scope and duration of this bill would be substantial. Drought conditions in western state will likely prevail indefinitely. The only constraint on the definition of "drought" in this bill is that the Secretaries of the Army and Interior may make a drought determination only when a river basin is listed within the range of D2 (Severe Drought), D3 (Extreme Drought), or D4 (Exceptional Drought) by the U.S. Drought Monitor. Last week, nearly 17% of the contiguous U.S. was within that range. One year ago, approximately 24% of the contiguous U.S. was within that range, and the numbers were higher still in 2012 and 2013. Moreover, the bill places no constraints on the discretion of a Governor of any state to determine that a river basin is affected by drought. The</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
			fact that there are no standards for this determination will also make it difficult to challenge any such determination in court.
<p>*S. Amdt. 422 to the Budget Resolution (S. Con. Res. 11) To establish a DNRF to ensure that the conservation of northern long-eared bat & local economies are compatible</p> <p>3/27/15 Considered</p> <p>3/27/15 Included in Managers' Amendment; agreed to in Senate by Unanimous Consent</p>	Thune [R-SD]	This amendment blocks a final U.S. Fish and Wildlife Service decision due April 2, 2015 about whether to list the northern long-eared bat under the ESA. It injects completely open-ended economic considerations into a listing decision for the northern long-eared bat, which should be based entirely on the best available science.	The amendment further delays indefinitely a listing decision that has already been delayed many times, and inappropriately ensures that State conservation plans relating to the northern long-eared bat are given “maximum flexibility to be successful” before a Federal listing decision is made. Moreover, it defines success in the context of a “State conservation plan” as “preserving and protecting local and rural economies,” rather than protecting the bat. Arguably, the language is so open-ended and broad that it could be interpreted as permanently blocking the listing of the northern long-eared bat.
<p>*S. Amdt. 659 to the Budget Resolution (S. Con. Res. 11) To establish a SNFR to ensure proper economic</p>	Cotton [R-AR]	This amendment requires FWS to examine the “cumulative” economic effects of a critical habitat designation, meaning that the FWS could have to simultaneously consider the economic impacts of both listing a species and designating its critical habitat.	Congress rejected the “cumulative economic effects” approach decades ago as dangerous to the protection of imperiled species because it injected economics into what should be a science-based biological decision. The FWS already analyzes the costs and benefits of designating critical habitat, and solicits public comment and review of this analysis. Moreover, the requirement



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>consideration in designation of critical habitat</p> <p>3/26/15 Considered</p> <p>3/27/15 Considered and agreed to [Yea-Nay Vote of 52 – 42]</p>			<p>to examine endless “cumulative” economic impacts would drain agency resources that could otherwise be spent on protecting and conserving species.</p>
<p>S. Amdt. 452 to the Budget Resolution (S. Con. Res. 11)</p> <p>To establish a SNRF to ensure that Interior enters into CCAs with 11 relevant states before FWS makes listing determination for greater sage-grouse</p> <p>3/25/15 Submitted</p> <p>3/26/15 Considered</p> <p>3/27/15 Withdrawn</p>	Heller [R-NV]	<p>This amendment would indefinitely delay a listing decision on the greater sage-grouse by requiring FWS to complete candidate conservation agreements (CCAs) – voluntary conservation agreements that address species’ threats and help conserve species – with western states before making a listing determination under the ESA.</p>	<p>More than a decade after the greater sage-grouse was first petitioned for listing, FWS is finally considering ESA protection for this ambassador species. A listing decision is expected sometime after October 1st of this year. Meanwhile, the Bureau of Land Management and U.S. Forest Service are working with western states to engage in unprecedented planning processes to protect and recover the greater sage-grouse on more than 60 million acres of public land. This amendment is the latest in a series of Congressional attempts to interfere with the science-based listing process for the greater sage-grouse.</p> <p>The proposed amendment would lead to indefinite delay on a greater sage-grouse listing decision. There is no deadline under the ESA for completing CCAs, and there is no obligation under any federal statute for a state to enter into a CCA. Thus, the amendment essentially gives states – which would help develop and eventually need to endorse each CCA – the ability to control a federal decision-making process. This is another example of Congress inappropriately inserting</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
			itself into a species listing process by requiring FWS to complete CCAs with western states before determining whether a species warrants protection. The long delays created by this amendment would be detrimental to sage-grouse and hundreds of other species that depend on sagebrush habitats.
S. Amdt. 412 to the Budget Resolution (S. Con. Res. 11) To establish a DNRF to prevent EPA and FWS from engaging in closed-door settlement agmts that ignore States & counties. 3/24/15 Submitted 3/25/15 Considered 3/26/15 Considered 3/27/15 Withdrawn	Rounds [R-SD]	This amendment would make it more difficult for citizens to hold federal government agencies accountable for their statutory obligations under bedrock environmental laws. It would also create obstacles for parties entering into settlement agreements, needlessly burdening our courts and draining limited judicial resources.	<p>Most of the focus of this amendment involves complaints regarding alleged “backroom” settlements. Today, if the government is sued for missing a deadline (or other non-discretionary requirement) it may enter into settlement discussions with the party that sued it, since there are no legal defenses for missing a statutory deadline. The parties then negotiate when the new deadline will be under the supervision of a judge, who reviews and must approve any eventual settlements with the court. This amendment would create substantial obstacles in these types of cases by making it extremely difficult for citizens to hold federal agencies to their statutory deadlines and also needlessly burdening our courts and draining limited judicial resources. These types of legislative attacks are intended to endlessly delay these kinds of suits and help big polluters keep polluting at the expense of public health and the environment.</p> <p>Despite the rhetoric from backers of this proposal, the cases at issue do not dictate the substance of the agency decision, just when it will be completed. It is a bogus allegation that “sue and settle” litigation involves back-room negotiations between pro-regulatory groups and complicit federal agencies on what the final rule will substantively say. All public notice and comment requirements of the Administrative Procedure Act and the individual environmental laws still apply when an</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
			<p>agency undertakes the substantive action for which a deadline was missed. That is, the public – including state, county, and local governments – is provided with numerous opportunities to provide input.</p> <p>What proponents of this amendment actually want is to indirectly weaken our federal environmental laws or at least their effectiveness. This amendment is attempting to saddle the judicial process with more hurdles, to further delay overdue agency decisions to protect the environment and human health that polluters want to avoid.</p>
S. Amdt. 759 to the Budget Resolution (S. Con. Res. 11) To establish a SNRF relating to clarifying federal jurisdiction with respect to intrastate species 3/26/15 Submitted	Lee [R-UT]	Prevents the federal government from regulating “intrastate species” – species found entirely within the borders of a single State.	<p>If passed, this amendment would devastate endangered species conservation and lead to more extinctions. As of 2010, roughly 50% of listed species were intrastate species whose ranges did not cross state borders. It could, for example, exclude from ESA protection every listed plant or animal on Hawaii. Declining resident species are only listed under the ESA because states have already failed to stop their decline. Many states lack the necessary resources to prevent species declines and extinctions. In 2012, 41 state wildlife agencies reported to FWS that combined, they spent less than one-fifth of what FWS and NMFS spent on endangered species conservation. Additionally, funding mechanisms and levels vary wildly between state endangered programs. Whereas California reported spending over \$14 million on endangered species work in 2012, Kansas reported to FWS that it only spent \$32,400. Between 2008 and 2012, Kansas reported spending an average of less than \$1,000 per listed species. Thus, a species’ chance of survival would depend on the funding levels in the state where they reside. There</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
			would be no federal safety net to keep those species from going down a path to extinction.
S. Amdt. 861 to the Budget Resolution (S. Con. Res. 11) To establish a SNRF to equalize the treatment of attorney's fees under the ESA and EAJA 3/25/15 Submitted	Lee [R-UT]	Establishes a spending neutral reserve fund to equalize the treatment of attorney's fees under the ESA and EAJA, which has a very cap on fees.	<p>This amendment would undermine citizens' ability to enforce the ESA by restricting citizens' ability to recover litigation costs when they prevail in court.</p> <p>Under this amendment, a citizen who successfully challenges illegal government action under the ESA would be subject to the fee recovery restrictions of EAJA. EAJA affords a vital means of court access for citizens across the political spectrum. For three decades, veterans, seniors, persons with disabilities, small businesses, and non-profit groups have relied on EAJA in bringing cases that root out government abuse and ensure governmental compliance with our laws. However, EAJA's fee caps can make it difficult for citizens to obtain counsel. The attorney fee caps included in EAJA often fall well below market rates for attorneys. In subjecting ESA citizen enforcement cases to EAJA's below-market cap on attorneys' fees, this amendment would make it more difficult for citizens from across the political spectrum to obtain counsel to challenge illegal government actions. Already, attorney fees under the citizen-suit provision of the ESA are limited by law and vetted by the courts. Payment of these fees to successful litigants is an important and worthwhile investment in our democracy, ensuring that all of us – not just the very rich and the very powerful – have access to justice through our courts.</p>
S. Amdt. 606 to the Budget Resolution (S. Con. Res. 11)	Daines [R-MT]	Exempts objects containing “antique” Elephant ivory from trade restrictions on ivory.	This amendment undermines efforts to curtail the illegal trade in ivory (and thereby discourage elephant poachers) by exempting objects containing antique ivory from anti-wildlife trafficking regulations. Of particular concern, the amendment authorizes amending



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
To establish a DNRF relating to African elephant ivory 3/24/15 Submitted			the African Elephant Conservation Act or the ESA to achieve this end. Ultimately, this is an attempt to create a loophole for special interests that flouts international efforts to curb poaching of African elephants for their ivory.
S. Amdt. 497 to the Budget Resolution (S. Con. Res. 11) To establish a SNRF to protect jobs by preventing fed. agencies from overriding state efforts to conserve species 3/24/15 Submitted	Inhofe [R-OK]	This amendment generally attacks the ESA, and defers federal authority over conservation planning and recovery implementation for endangered species to the states and local governments. The amendment is poorly crafted and vague; thus, it is difficult to determine exactly what it would do. It authorizes but does not necessarily require the federal government to defer “conservation planning and implementation” to states and local governments.	This amendment would undermine the ESA by inappropriately giving states the authority to control conservation planning for listed species, without requiring that such planning actually be effective and recover the species, a current requirement under the ESA. Moreover, declining resident species are only listed under the ESA because states have already failed to stop their decline.
H.R. 843 Western Great Lakes Wolf Management Act of 2015 2/10/15 Introduced; Referred to the Natural Resources Cmte 3/16/15	Kline [R-MN] 11 co-sponsors	Prohibits the treatment of wolves in Minnesota, Wisconsin and Michigan under the ESA, and gives each of those states exclusive jurisdiction over the management of wolves within its borders. This bill prohibits FWS from treating the gray wolf in those states under any status of the ESA, including as an endangered species, a threatened species, an essential experimental population, or a nonessential experimental population.	This bill indefinitely strips all federal protections for wolves in MN, WI, and MI. It overturns two federal court decisions that reinstated federal protections for the gray wolf in the western Great Lakes states, and turns wolf management over to the states with no requirements for sustainable management of the population whatsoever. This bill would allow those three states to “manage” wolves through indiscriminate shooting, trapping with no restrictions whatsoever.



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
Referred to the Federal Lands Subcmte.			
H.R. 884 To direct the Secretary of the Interior to reissue final rules relating to listing of the gray wolf in the Western Great Lakes and Wyoming 2/11/15 Introduced; Referred to the Natural Resources Cmte	Ribble [R-WI] 17 co-sponsors	Reissues two of Fish & Wildlife Service's final rules regarding gray wolves: (1) the final rule on gray wolves in the western Great Lakes states published on December 28, 2011 (76 Fed. Reg. 81666), and (2) the final rule on gray wolves in Wyoming published on September 10, 2012 (77 Fed. Reg. 55530). Reissuing these rules would remove federal protections for wolves in Minnesota, Wisconsin, Michigan, and Wyoming, which were recently reinstated after two federal courts found that FWS's final rules violated the ESA. The bill also waives judicial review for the reissuance of rules.	This bill overturns two federal court decisions that reinstated federal protections for the gray wolf in four states. It preempts the appeals process, which is still playing out in two federal courts. While the language states that this is simply a "reissuance" of two FWS rules that already went through the public comment process under the ESA, this is still legislative meddling that damages the integrity of the ESA. However, it would be less damaging than H.R. 843 because it reinstates federal rules which set out requirements for state management (although we believe the final rule in Wyoming is inadequate), rather than handing over authority over wolves to the states without any management requirements. The provision waiving judicial review is an affront to the citizen's right to go to court to challenge government action.
H.R. 659 Lesser Prairie Chicken Voluntary Recovery Act of 2015 2/2/15 Introduced; Referred to the Natural Resources Cmte	Mullin [R-OK] 10 cosponsors	Identical language to H.R. 4866 from the 113 th Congress, the Lesser Prairie Chicken Voluntary Recovery Act of 2014. It would reverse the May 2014 listing of the lesser prairie chicken (LPC) as a threatened species under the ESA by prohibiting it from being treated as a listed species under the ESA before January 31, 2020. It further prohibits the LPC from being treated as a listed species after that date unless the Secretary of the Interior publishes a determination that the conservation goals of the Range-Wide Plan for the LPC have not been achieved.	This bill would continue the downward spiral towards extinction for the LPC. The species population dropped 50 percent in one year alone. Any further delay in protection risks extinction. Furthermore, listing was necessary because FWS already determined that the state-level Range-Wide plan will fail to stave off the threats to the bird's extinction. This bill undermines this determination by the FWS by handing conservation management back to the states.
S. Amdt. 244 to the Keystone XL Pipeline Approval Act (S. 1)	Johnson [R-WI]	Prevents the Director of FWS from listing the northern long-eared bat, a species being considered for listing, as an endangered species under the ESA	FWS has not yet made a final determination for the northern long-eared bat under the ESA (due April 2015). FWS proposed an endangered listing, and it is now going through public comments and evaluating the



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
1/27/15 Amendment offered			species' status. Congress should not interfere with the science-based rulemaking process under the ESA by prohibiting an endangered listing for the bat.
S. Amdt. 243 to SA73 to the Keystone XL Pipeline Approval Act (S. 1) 1/27/15 Amendment offered	Johnson [R-WI]	Proposed as an amendment to SA 73 – Moran's amendment to delist the lesser prairie-chicken as a threatened species under the ESA. Prevents the Director of FWS from listing the northern long-eared bat, a species being considered for listing, as an endangered species under the ESA	FWS has not yet made a final determination for the northern long-eared bat under the ESA (due April 2015). FWS proposed an endangered listing, and it is now going through public comments and evaluating the species' status. Congress should not interfere with the science-based rulemaking process under the ESA by prohibiting an endangered listing for the bat.
S. Amdt. 73 to the Keystone XL Pipeline Approval Act (S. 1) To delist the lesser prairie-chicken as a threatened species under the ESA 1/26/15 Amendment offered 1/28/15 Failed to achieve 60 votes in the affirmative; not agreed to [Yea-Nay Vote of 54-44]	Moran [R-KS]	Overtakes FWS's final rule listing the lesser prairie-chicken as threatened, and prevents the FWS from listing the lesser prairie-chicken as a threatened species under the ESA in the future.	Congress should not meddle with FWS's scientific determinations under the ESA. This bill sets a further negative precedent of Congress micro-managing individual, science-based administrative listing decisions prescribed by the ESA.
S. Amdt. 33 to the Keystone XL	Lee [R-UT]	Proposes to change the ESA's citizen suit provision so that courts may award attorneys' fees and expert witness fees to	This bill would discourage citizens from enforcing the ESA by restricting their ability to recover litigation costs



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
Pipeline Approval Act (S. 1) Award of litigation costs to prevailing parties in accordance with existing law 1/20/15 Amendment offered 1/21/15 Failed to achieve 60 votes in the affirmative; not agreed to [Yea-Nay Vote of 54-45]		any prevailing party in accordance with the Equal Access to Justice Act (EAJA) rather than “to any party, whenever the court determines such award appropriate.”	when they prevail in court. EAJA caps legal fees for the purpose of fee recovery at \$125 per hour adjusted for inflation, which comes out to an average of \$165 per hour – way below market rates for attorneys. This amendment unnecessarily disrupts judicial oversight and discretion. In subjecting ESA cases to EAJA’s below-market cap on reimbursement, this amendment would make it more difficult for citizens from across the political spectrum to obtain counsel and challenge illegal government actions.
S. Amdt. 34 to the Keystone XL Pipeline Approval Act (S. 1) Disclosure of expenditures under the ESA 1/13/15 Amendment offered	Lee [R-UT]	Requires the Secretaries of Interior & Commerce to prepare an annual report to Congress detailing government expenditures on ESA litigation and post information about ESA litigation on an online searchable database.	This amendment would establish burdensome reporting requirements on Interior, Forest Service, and NMFS that would needlessly drain already-limited agency resources, all in the name of trying to build a case against citizen enforcement of the ESA.
CATEGORY 2: Bills that exempt projects from provisions of the ESA			



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
H.R. 866 Federal Land Freedom Act of 2015 2/11/15 Introduced; Referred to the Natural Resources Cmte 3/16/15 Referred to the Energy & Mineral Resources Subcmte 11/15/16 Natural Resources Cmte hearing held	Black [R-TN] 23 cosponsors	Allows states to transfer responsibility for leasing, permitting, and regulating oil, natural gas, and other forms of energy development on “available federal land” from the Federal Government to the State. “Available federal land” is defined in the act as any Federal land that, as of May 31, 2013 – (a) is located within the boundaries of a State; (b) is not held by the U.S. in trust for the benefit of a federally recognized Indian tribe, (c) is not a unit of the National Park System, (d) is not a unit of the National Wildlife Refuge System, and (e) is not a congressionally designated wilderness area. Any action by a State to lease, permit, or regulate the exploration and development of oil, natural gas, and other forms of energy would not be subject to, or considered a Federal action, Federal permit, or Federal license under the Administrative Procedure Act, the National Historic Preservation Act, the ESA, or the National Environmental Policy Act.	This bill would be extremely detrimental to public lands and wildlife. It would transfer responsibility for leasing, permitting and regulating energy development on public lands (other than tribal lands, National Parks, refuges, or wilderness) from the federal government to state governments, which do not have the tools or resources to adequately regulate such activities. States would not have to comply with major federal environmental and administrative statutes for these activities, and most state versions of these statutes are not adequate to protect air, water, land, and wildlife. For example, five states have no version of an ESA at all.
S. 490 Federal Land Freedom Act of 2015 2/12/15 Introduced; Referred to the Energy & Natural Resources Cmte	Inhofe [R-OK] 10 cosponsors		



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
H.R. 3682, Title IX, Chapter 3 Protecting Investment in Oil Shale the Next Generation of Environmental, Energy, and Resource Security Act – PIONEERS Act 10/2/15 Introduced; referred to Energy & Commerce, Natural Resources, Ways & Means, Science Space & Technology, & Education & Workforce Cmtes. 3/23/16 Referred to the Education & Workforce Cmte.'s HELP subcmte. 9/30/16 Referred to the Science Space & Technology's Research &	Guthrie [R-KY]	<ul style="list-style-type: none"> Sec. 941. Short Title – This chapter may be cited as the “Protecting Investment in Oil Shale the Next Generation of Environmental, Energy, and Resource Security Act” or the “PIONEERS Act.” Sec. 942. Effectiveness of oil shale regs, amendments to resource mgmt. plans, and records of decision (RODs) <ul style="list-style-type: none"> (a) Regulations – Notwithstanding any other law or regulation to the contrary, the final regulations regarding oil shale management published by the Bureau of Land Management on November 18, 2008 (73 Fed. Reg. 69414), are deemed to satisfy all legal and procedural requirements under any law, including the ESA. (b) Amendments to resource mgmt.. plans and RODs – Notwithstanding any other law or regulation to the contrary, the November 17, 2008, BLM approved resource management plan amendments/ROD for oil shale and tar sands resources to address land use allocations in CO, UT & WY are deemed to satisfy all legal and procedural requirements under any law, including the ESA. 	Section 942 of this bill creates a carve-out to the ESA with respect to oil shale management regulations and related resource management plans ad ROD for oil shale and tar sands resources to address land use allocations in in Colorado, Utah and Wyoming.



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
Technology subcmte.			
Sec. 136 of H.R. 4441 Aviation Innovation, Reform, and Reauthorization Act of 2016 2/3/16 Introduced; referred to Transportation & Infrastructure Cmte. 2/11/16 Cmte. consideration and mark-up session held; ordered to be reported by the Yeas and Nays: 34-25.	Shuster [R-PA], LoBiondo [R-NJ]	Instructs the Secretary of Transportation to work with the heads of appropriate Federal agencies (i.e. FWS and NMFS) to ensure that designations of critical habitat under the ESA on or near airport property do not – <ol style="list-style-type: none"> (1) result in conflicting statutory, regulatory, or Federal grant assurance requirements for airports or aircraft operators; (2) interfere with the safe operation of aircraft; or (3) occur on airport-owned lands that have become attractive habitat for a threatened or endangered species because such lands – <ol style="list-style-type: none"> a. have been prepared for future development; b. have been designated as noise buffer land; or c. are held by the airport to prevent encroachment of uses that are incompatible with airport operations. 	This provision injects politics into what should be a science-based decision making process under the ESA. It thwarts FWS's and NMFS' ability to designate critical habitat based on the best available science and interferes with threatened and endangered species conservation on or near airport property.
*Secs. 1203-1208 of H.R. 8 Hydropower Licensing and Process	McMorris Rodgers [R-WA]	This amendment would allow power companies that operate hydroelectric dams to avoid compliance with the ESA. It overturns a century's worth of checks and balances over the federal management of water resources, and more than 40 years' worth of protections for natural resources impacted by	If this amendment were to become law, it will be much more difficult to recover threatened and endangered populations of Pacific salmonids, shad, sturgeon, and Atlantic salmon, or any other aquatic species whose access to spawning habitat is blocked by power



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>Improvements (added as an amendment)</p> <p>9/30/15 – Cmte. consideration and mark-up held. Amendment adopted during cmte. consideration</p> <p>12/3/15 Agreed to by recorded vote [Yea-Nay Vote of 249-174]</p> <p>12/7/15 Received in Senate; referred to Energy & Natural Resources Cmte.</p>		<p>hydropower dams. If enacted, this legislation would consolidate in the Federal Energy Regulatory Committee (FERC) management of all aspects of state, federal, and tribal natural resources management relating to hydropower.</p> <p>FERC is obligated by the ESA to consult with FWS or NMFS when a hydropower license may affect a listed species. While FERC is not specifically obligated to include the measures recommended in a biological opinion in its license, disregarding those recommendations would place the Commission and its licensees at substantial legal risk, so FERC generally incorporates them as license conditions.</p> <p>This amendment would waive the ESA (or the Clean Water Act) if a state, tribe, or federal agency cannot meet FERC's schedule or misses a deadline. FERC and the license application would be allowed to simply proceed with the proposed action and the authorization would be waived.</p>	<p>company dams. This amendment is a breathtaking assault on one of our nation's bedrock environmental laws.</p> <p>The balance the Federal Power Act strikes between power and non-power values has existed for almost a century. Current law protects the public's right to enjoy its rivers, a right which can and should be compatible with responsible electricity production. However, H.R. 8 upends that balance. Simply put, the McMorris Rodgers-McNerney Amendment is a massive giveaway to special interests at the expense of healthy rivers and the fish, wildlife, and people that depend upon them. If H.R. 8 passes, power company profits will go to the head of the line, ahead of every other user.</p>
<p>*S. Amdt. 670 to H.R. 2898 Klamath Project Consultation Applicants</p> <p>7/16/15 Amendment offered and agreed to by recorded vote</p>	LaMalfa [R-CA]	<p>H.R. 2898, the "Western Water and American Food Security Act of 2015," attempts to use California's historic drought as an excuse to dramatically weaken ESA and other protections for salmon, migratory birds, and other fish and wildlife in California's Bay-Delta while increasing water diversions for the benefit of agricultural interests.</p> <p>While the bill was being considered on the House floor, Reps. Doug LaMalfa (R-CA) offered an amendment that would grant water contractors for the Klamath Project all the rights and responsibilities extended to applications in the consultation process. Additionally, the amendment would</p>	<p>This amendment would give water contractors and agricultural interests special status and significantly more leverage over other stakeholders such as tribes and commercial and recreational fishermen in determining the operation of a federal project that is supposed to be operated to benefit all stakeholders. The underlying bill already includes a provision giving this elevated status to water contractors for the Central Valley Project, a federal irrigation project in California.</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
[Yea-Nay Vote of 246-172]		allow the contractors to be represented through an association or organization at their request. The Klamath Project is a federal irrigation project that diverts water from several sources including the Klamath and Lost Rivers to provide irrigation for private lands in California and Oregon as well as national wildlife refuges in the area. The water diversions for the Klamath Project affect several species of fish listed under the ESA – the threatened coho salmon and the endangered Lost River and shortnose suckers. The Bureau of Reclamation, which is responsible for federal irrigation projects, is required to consult under the ESA to ensure that the projects do not jeopardize the continued existence of the listed species.	
H.R. 2316 Self-Sufficient Community Lands Act 5/14/15 Introduced; Referred to the Agriculture & Natural Resources Cmtes 6/4/15 Referred to the Federal Lands Subcmte 6/8/15 Referred to the Conservation & Forestry Subcmte	Labrador [R-ID] 5 co-sponsors	This bill transfers the management of large areas of National Forest System land to the states by creating “community forest demonstration areas.” Each area would consist of between 200,000 and 900,000 acres of National Forest System land, in addition to other land. The bill allows for the transfer of up to 4,00,000 total acres of National Forest System land into community forest demonstration areas. The management and administration of these areas would not be considered Federal action, and proposed actions would not be subject to any Federal laws (aside from the Native American Graves Protection and Repatriation Act) – including the ESA, the Clean Air Act, and NEPA – except to the extent that such laws apply to the State or private administration and management of forest lands. The bill would effectively treat these “community forest demonstration areas” as state-owned or privately-owned lands for purposes of every single Federal environmental law, even though those areas include National Forest System land.	With respect to the ESA, this bill would exempt proposed forest management activities in “community forest demonstration areas” from ESA section 7 consultation, even if those areas include National Forest System lands. Therefore, projects that may otherwise have to be modified due to adverse modification of critical habitat could go forward without any review.



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
S. Amdt. 1633 to the NDAA (S. 1376) ESA Waiver for Borderlands 5/19/15 Bill introduced in Senate 6/4/15 Amendment offered	McCain [R-AZ]	This amendment waives federal law, including the ESA, for border security activities on national parks, national monuments, national forests, national wildlife refuges and other public lands administered by the Secretaries of Interior and Agriculture within 100 miles of the international border between the United States and Mexico and within the larger Tucson and Yuma sectors of the U.S. Border Patrol.	This unnecessary amendment could result in damage to millions of acres of America's treasured public lands, cost taxpayers millions of dollars and harm Border Patrol assets. The Department of Homeland Security—which has described similar legislation as “unworkable”—already has unprecedented authority to operate on federal public lands along the border. Such a measure would undermine the effective coordination between land management agencies and the Border Patrol, cripple the Department of Homeland Security's capacity to adapt to emerging threats, politicize tactical decisions and threaten the quality of life in border communities.
H.R. 2086 To direct the Secretary of Commerce to develop and conduct a pilot program to remove nonnative predator fishes from the Stanislaus River, California 4/29/15 Introduced; Referred to Natural Resources Cmte. 5/26/15 Referred to Water, Power & Oceans Subcmte.	Denham [R-CA] 5 cosponsors (4 R, 1 D)	Section f(3) of this bill declares that a pilot program to remove non-native predator fish from the Stanislaus river is a conservation plan, when it's not. Declares that the program complies with section 10(a)(2) of the ESA, despite the fact that it has not been properly approved by FWS. Section i of the bill declares that this law preempts state law and state permit requirements. This bill would waive state take prohibitions for federally listed species, flying in the face of more protective state laws. Additionally, section g of the bill waives NEPA requirements.	This bill distracts from real solutions to the decline of threatened and endangered anadromous fish in California. The bill argues that the real cause of this decline is predator fish, completely ignoring that the decline can be attributed to the overuse of water. This problem could be solved by enacting more stringent flow requirements. In fact, the bill may actually exacerbate any predation problems (although any perceived problems with predation are overshadowed by overuse of water). If large predator fish are removed from rivers, there will be no fish to predate on smaller predator fish. However, the impacts of this bill are quite limited because the pilot program would only be conducted on one river in California.



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
S. 468 Sage-Grouse and Mule Deer Habitat Conservation and Restoration Act of 2015 2/11/15 Introduced; Referred to the EPW Cmte 5/6/15 EPW Hearings Held	Hatch [R-UT]	This amendment creates a new categorical exclusion under NEPA for conifer (pinyon-juniper) control projects intended to conserve sage-grouse or mule deer on Bureau of Land Management and Forest Service lands.	This amendment is entirely unnecessary—federal agencies are already removing encroaching conifers from tens of thousands of acres of public and private lands in the West. Moreover, BLM already has the ability to issue Categorical Exclusions for vegetative projects up to 1000 acres, and fire projects up to 4500 acres. Planning under NEPA improves project implementation, efficiency and effectiveness of conifer control. Categorically excluding conifer control projects could have major negative effects on wildlife, watersheds and other public resources.
H.R. 1793 Sage-Grouse and Mule Deer Habitat Conservation and Restoration Act of 2015 4/14/15 Introduced; Referred to the Natural Resources & Ag. Cmtes.	Stewart [R-UT] 3 cosponsors		



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
H. Amdt. 208 to H.R. 2028 (Sec. 524) Amdt. to Energy and Water Development and Related Agencies Appropriations Act 2016	McClintock [R-CA]	This provision, which was offered as an amendment on the House floor, forbids the use of funds appropriated under this Act from being used to purchase water to supplement or enhance instream flow requirements in California mandated by the ESA, the Central Valley Project Improvement Act, or NEPA.	This provision would effectively nullify existing authorities in the Central Valley Project Improvement Act and the ESA. Fish are being hammered during drought and using extra funds to help avoid fish kills and the risk of extinction is in the public interest and has broad public support. For 20 years, a law has authorized Interior to supplement regulatory baselines with acquisitions of additional water from willing sellers using market mechanisms. This attempts to shut down that market mechanism for no apparent reason other than to hurt our struggling fish and wildlife and those whose jobs depend on those resources. Federal, state, and private sector programs in Nevada and Oregon have demonstrated that using public funds to acquire supplemental flows for fish and wildlife purposes from willing sellers is a successful public-private partnership. This tries to block such efforts.
H.R. 1487 American Energy Renaissance Act of 2015 3/19/15 Introduced; Referred to Natural Resources Cmte. and other cmtes. 4/8/15 Referred to the Subcmtes.	Bridenstine [R-OK] 5 cosponsors	Anti-ESA provisions in the bill: <ul style="list-style-type: none"> • Sec. 2012. Keystone XL Permit Approval <ul style="list-style-type: none"> ○ (c) Critical Habitat. – No area necessary to construct or maintain the Keystone XL pipeline shall be considered critical habitat under the ESA or any other provision of law. • Sec. 4013. Leasing, Permitting, and Regulatory Programs <ul style="list-style-type: none"> ○ (a) Satisfaction of Fed Requirements. Each program certified under this section shall be considered to satisfy all applicable requirements of Fed. Law (including regulations), including – <ul style="list-style-type: none"> ▪ (2) the ESA • Sec. 4041. Effectiveness of oil shale regs, amendments to resource mgmt. plans, and ROD 	This bill creates broad carve-outs to the ESA with respect to the Keystone XL pipeline, leasing and permitting activities related to onshore resources, and oil shale management regulations. This bill would prohibit ESA listings or critical habitat designations on land where certain oil exploration or oil transport activities occur so as not to interfere with those activities. This bill prioritizes those profit-generating activities at the cost of imperiled species. Furthermore, it precludes agencies from regulating climate change or global warming under a number of Federal statutes, including the ESA. The ESA does not currently authorize the Services to regulate climate change or global warming – therefore, this provision is unnecessary.
S. 791	Cruz [R-TX]		



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
<p>American Energy Renaissance Act of 2015</p> <p>3/18/15 Introduced; Referred to Natural Resources Cmte.</p>		<ul style="list-style-type: none"> ○ (a) Regulations – <ul style="list-style-type: none"> ▪ (1) In general. Notwithstanding any other provision of law (including regulations), the final regulations regarding oil shale management published by the Bureau of Land Management on November 18, 2008 (73 Fed. Reg. 69414), shall be considered to satisfy all legal and procedural requirements under any law, including-- <ul style="list-style-type: none"> • (B) the ESA. • Sec. 7002. Clarification of Federal Regulatory Authority to exclude greenhouse gases from regulations under the CAA <ul style="list-style-type: none"> ○ (a) Repeal of Fed. Climate Change regulation <ul style="list-style-type: none"> ▪ (2) No regulation of climate change. Notwithstanding any other provision of law, nothing in any of the following Acts or any other law authorizes or requires the reg. of climate change or global warming: <ul style="list-style-type: none"> • (D) the ESA 	
<p>*S. 1 Keystone XL Pipeline Approval Act</p> <p>1/6/15 Introduced; Referred to ENR Cmte</p>	<p>Hoeven [R-ND] 59 cosponsors</p>	<p>This bill states that the Final Supplemental EIS issued by the Secretary of State in January 2014 regarding the Keystone XL approval shall be considered to fully satisfy NEPA and any other provision of law that requires Federal agency consultation or review, including the consultation or review required under section 7(1) of the ESA.</p>	<p>This bill exempts one company – TransCanada Keystone Pipeline, L.P. – from obligations under Federal environmental laws, including the ESA. This would set a bad precedent for future projects with the potential to cause damage to the environment, threaten the habitat of endangered species, and jeopardize the survival of imperiled species. The bill exempts ONLY the Keystone XL pipeline from ESA consultation that is normally required for all federal projects that trigger section 7 consultation. This bill would be detrimental to</p>



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
1/29/15 Passed Senate 2/11/15 H. Res 100 agreed to; passed house 2/24/15 Vetoed 3/4/15 Failed passing in Senate over veto by Yea-Nay vote of 62-37 *H.R. 3 Keystone XL Pipeline Approval Act 1/6/15 Introduced; Referred to the Energy & Commerce Cmte 1/8/15 H.Res 19 agreed to 1/9/15 Passed House	Cramer [R-ND] 30 cosponsors		the American Burying Beetle, as well as other imperiled species that could be affected by the Keystone XL Pipeline.



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 114TH CONGRESS

Chart with Summary and Explanation of Legislative Attacks on the ESA			
Bill Title and Status	Sponsors Blue-Dem. Red-Rep.	Summary of Bill	Worst Case Scenarios and Other Implications of Bill
H.R. 399 Secure our Borders First Act of 2015 1/16/15 Introduced; Referred to Home Sec. Cmte 1/21/15 Reported by Cmte	McCaul [R-TX] 29 cosponsors	This bill further militarizes natural areas and communities by calling for the completion of 700 miles of double-layered fencing along the Southwest border. Section 13 (section 12 for the Senate version) would waive sixteen environmental, historic preservation and conservation laws on Federal public and tribal lands within that 100 mile zone including NEPA and the ESA	This bill would harm special places, wildlife, and communities along the Southwest border of the country while contributing nothing to increase border security. A bill waiving environmental laws for activities by DHS and Customs and Border Patrol is unnecessary since those agencies already have unprecedented authority to operate on public lands.
S. 208 Secure our Borders First Act of 2015 1/21/15 Introduced & referred to the Home Sec. Cmte	Johnson [R-WI] 3 cosponsors		