



SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 115TH CONGRESS

INDEX OF BILLS & AMENDMENTS

| Count | Bill Number | Bill Sponsor(s) | Title | Impact of Bill/Provision | Last action |
|--|-----------------------|-----------------------------------|---|---|-------------|
| CATEGORY 1: Direct attacks, species-specific attacks, and amendments to the ESA | | | | | |
| 1. | H.R. 6346 | Johnson [R-LA] | Weigh Habitats Offsetting Locational Effects (WHOLE) Act of 2018 | Allows the Secretary to consider nonbinding offsetting measures during the Section 7 consultation process. | 11/27/18 |
| 2. | H.R. 6345 | Pearce [R-NM] | Ensuring Meaningful Petition Outreach While Enhancing Rights of States (EMPOWERS) Act of 2018 | Requires the Secretary to solicit information about the anticipated effects of listing decisions from counties and states and gives states de facto veto authority over listing decisions. | 11/27/18 |
| 3. | H.R. 3608 | McClintock [R-CA] | The Endangered Species Transparency and Reasonableness Act of 2018 | Declares all data submitted by a state, tribal or county government is the “best scientific and commercial data available.” | 11/27/18 |
| 4. | *H.R. 6784 | Duffy [R-WI] | Manage Our Wolves Act | Delists the gray wolf in the continuous 48 states from the Endangered Species Act (ESA). | 11/26/18 |
| 5. | H.R. 3133 | Johnson [R-LA] | Streamlining Environmental Approvals (SEA) Act of 2017 | Overrides the Marine Mammal Protection Act (MMPA) and the ESA to fast-track ocean activities that can harm whales, dolphins, and other marine mammals. | 11/16/18 |
| 6. | *Sec. 6007, H.R. 2825 | McCaul [R-TX] | Department of Homeland Security Authorization Act; Authorities | Exempts Federal Emergency Management Agency (FEMA) from its consultation responsibilities under section 7 of the ESA; exempts FEMA from liability for any violations of section 9 of the ESA. | 11/13/18 |
| 7. | H.R. 4239 | Scalise [R-LA] | SECURE American Energy Act | Overrides the MMPA and the ESA to fast-track ocean activities that can harm whales, dolphins, and other marine mammals. | 11/2/18 |
| 8. | **Sec. 1246, H.R. 302 | Guthrie [R-KY] | FAA Reauthorization Act of 2018 | Defers implementation of the reasonable and prudent alternatives outlined in National Marine Fisheries Service’s (NMFS) April 14, 2016 jeopardy biological opinion by up to 3 years. | 10/5/18 |
| 9. | H.R. 6355 | Westerman [R-AR] | Providing ESA Timing Improvements that Increase Opportunities for Nonlisting (PETITION) Act of 2018 | Requires Secretary to automatically declare “petition backlogs,” and automatically deny most petitions to list or uplist during the backlog. Automatic negative petition findings would be exempt from judicial review. | 09/27/18 |
| 10. | H.R. 6354 | Gosar [R-AZ] | Stop Takings on Reserves Antithetical to Germane Encapsulation (STORAGE) Act of 2018 | Prohibits the Secretary from designating as critical habitat any area in water storage, diversion, or delivery facilities where habitat is periodically created and destroyed due to | 09/26/18 |

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| | | | | changing water levels resulting from the operation of these facilities. | |
| 11. | H.R. 6344 | Tipton [R-CO] | Land Ownership Collaboration Accelerates Life (LOCAL) Act of 2018 | Creates a process by which individuals can request status determinations on whether a proposed use of property could result in take. If the Secretary fails to respond to a request within 180 days, the proposed use would automatically be exempt from regulation. Also establishes a system whereby landowners who may be subject to regulation would automatically be entitled to financial compensation for the full market value of the proposed use, in contradiction of long-established constitutional takings principles. | 9/26/18 |
| 12. | H.R. 6364 | Young [R-AK] | Localizing Authority of Management Plans (LAMP) Act of 2018 | Delegates management authority under the ESA to local governments, Indian tribes, or nonfederal persons and exempts certain actions from National Environmental Policy Act (NEPA) review. | 9/26/18 |
| 13. | H.R. 6360 | Norman [R-SC] | Permit Reassurances Enabling Direct Improvements for Conservation, Tenants, and Species (PREDICTS) Act of 2018 | Weakens existing regulations governing cooperative conservation efforts between the agency and landowners. | 9/26/18 |
| 14. | H.R. 6356 | Biggs [R-AZ] | Less Imprecision in Species Treatment (LIST) Act of 2018 | Prohibits judicial review of decisions to delist species listed in error. Prevents a party from submitting a listing petition for 10 years if they “knowingly” included inaccurate, fraudulent, or misrepresentative information in a listing petition. Requires Secretary to delist a species when he has developed or received “substantial information” that a species has recovered. | 9/26/18 |
| 15. | H.R. 6877 | Cheney [R-WY] | Grizzly Bear State Management Act of 2018 | Directs the Secretary to reissue a final rule removing the GYE population of grizzly bears from the ESA. | 9/25/18 |
| 16. | **Sec. 506, H.R. 5895 | McMorris Rodgers [R-WA] | House FY19 Energy & Water Appropriations Bill | Overrides a 2016 federal district court decision and locks in place until at least 2022 an inadequate and dangerous 2014 | 9/21/18 |

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| | | | | Columbia Basin Biological Opinion to the detriment of threatened and endangered salmon. | |
| 17. | *Sec. 461, H.R. 6147 | Lamborn [R-CO] | Preble's Meadow Jumping Mouse; House FY19 Interior Appropriations Bill | Blocks federal funding for the threatened Preble's Meadow jumping mouse under the ESA. | 7/18/18 |
| 18. | *Sec. 462, H.R. 6147 | Lamborn [R-CO] | Five-year reviews; House FY19 Interior Appropriations Bill | 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 five-year review as required by the ESA. | 7/18/18 |
| 19. | *Sec. 464, H.R. 6147 | Pearce [R-NM] | Lesser Prairie Chicken; House FY19 Interior Appropriations Bill | Prevents federal funds from being used to carry out any rulemaking on the status of the Lesser Prairie Chicken, effectively preventing listing of the species. | 7/18/18 |
| 20. | H. Amdt. 924, H.R. 6147 | Pearce [R-NM] | New Mexico Meadow Jumping Mouse; House FY19 Interior Appropriations Bill | Blocks federal funding for the endangered New Mexico Meadow Jumping Mouse under the ESA. | 7/18/18 |
| 21. | *Sec. 465, H.R. 6147 | Smith [R-MO] | Restriction of attorney's fees under CAA, CWA, and ESA; House FY19 Interior Appropriations Bill | Prevents the payment of attorney's fees as part of any settlement the Federal Government enters in to under the Clean Air Act, the Clean Water Act, and the Endangered Species Act. | 7/18/18 |
| 22. | *Sec. 441, H.R. 6147 | Valadao [R-CA] | California water; House FY19 Interior Appropriations Bill | Precludes judicial review regarding the federal Central Valley Project and California's State Water Project – two massive water projects that may jeopardize the continued existence of salmon and other species listed under the ESA. | 6/19/18 |
| 23. | *Sec. 115, H.R. 6147 | Amodei [R-NV] | Bi-state sage-grouse; House FY19 Interior Appropriations Bill | Prevents the Fish and Wildlife Service (FWS) from working on a proposed listing rule for bi-state sage-grouse under the ESA for at least a year. | 6/19/18 |
| 24. | *Sec. 440, H.R. 6147 | Herrera Beutler [R-WA] | Marbled murrelet; House FY19 Interior Appropriations Bill | Interferes with a Habitat Conservation Plan for marbled murrelet in Washington State. | 6/19/18 |
| 25. | *Sec. 438, H.R. 6147 | Newhouse [R-WA] | North Cascades grizzlies; House FY19 Interior Appropriations Bill | Prevents Interior from spending any funds to restore grizzly bears to the North Cascades ecosystem. | 6/19/18 |
| 26. | *Sec. 437, H.R. 6147 | Calvert [R-CA] | California water infrastructure; House FY19 Interior Appropriations Bill | Eliminates judicial review of the ecologically destructive "California WaterFix" project, endangering salmon runs and other native fish in the San Francisco Bay-Delta. | 6/19/18 |

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| 27. | *Sec. 117, H.R. 6147 | Calvert [R-CA] | Gray wolves range-wide; House FY19 Interior Appropriations Bill | Directs the Secretary of the Interior to issue a rule to remove protections for the endangered gray wolf in the lower 48 states; removes judicial review. | 6/19/18 |
| 28. | *Sec. 116, H.R. 6147 | Calvert [R-CA] | Reissuance of final rules; House FY19 Interior Appropriations Bill | 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. | 6/19/18 |
| 29. | *Sec. 115, H.R. 6147 | Calvert [R-CA] | Sage-grouse; House FY19 Interior Appropriations Bill | Prevents the FWS from working on a proposed listing rule for greater sage-grouse or Columbia Basin sage-grouse under the ESA for at least another year. | 6/19/18 |
| 30. | Sec. 115, S. 3073 | Murkowski [R-AK] | Sage-grouse; Senate FY19 Interior Appropriations Bill | Prevents the FWS from working on a proposed listing rule for greater sage-grouse or Columbia Basin sage-grouse under the ESA for at least another year. | 6/14/18 |
| 31. | H.R. 3916 | Calvert [R-CA] | Federally Integrated Species Health (FISH) Act | Transfers management of numerous listed fish species from NMFS to FWS. | 7/18/18 |
| 32. | Draft Legislation | Barrasso [R-WY] | The Endangered Species Act Amendments of 2018 | Gives states overriding control over the federal program to conserve endangered species, shields decisions to list and delist species from judicial review and imposes new burdensome procedural requirements on federal officials. | 7/17/18 |
| 33. | *H.R. 200 | 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. | 7/12/18 |
| 34. | S. Amdt. 3170, H.R. 2 | Cruz [R-TX] | Prohibition on listing living non-native species as threatened or endangered; Agriculture Improvement Act of 2018 | Prohibits FWS from listing foreign species under the ESA. | 6/28/18 |
| 35. | S. Amdt. 3161, H.R. 2 | Risch [R-ID] | State management and conservation of species – lesser prairie-chicken; Agriculture Improvement Act of 2018 | Blocks ESA protections for lesser prairie-chicken for at least 10 years; removes judicial review. | 6/28/18 |
| 36. | S. Amdt. 3161, H.R. 2 | Risch [R-ID] | State management and conservation of species – sage-grouse; Agriculture Improvement Act of 2018 | Blocks ESA protections for sage-grouse for at least 10 years; removes judicial review. | 6/28/18 |
| 37. | *Sec. 8303, H.R. 2 | Conaway [R-TX] | Consultation under the ESA, Agriculture and Nutrition Act of 2018 | Exempts Forest Service and Bureau of Land Management from consulting with the FWS on forest mgmt. activities. | 6/21/18 |

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| 38. | *Sec. 9111-9116, H.R. 2 | Conaway [R-TX] | Pesticide registration and use, Agriculture and Nutrition Act of 2018 | Undermines ESA requirements to address the effects of toxic pesticides on threatened and endangered species. | 6/21/18 |
| 39. | *H.R. 2083 | Herrera Beutler [R-WA] | Endangered Salmon and Fisheries Predation Prevention Act | Does nothing to help salmon; harmful for Steller sea lions – a species that was once listed but has recovered. | 6/27/18 |
| 40. | S. 1702 | Risch [R-ID] | Endangered Salmon and Fisheries Predation Prevention Act | See above. | 8/2/17 |
| 41. | S. Amdt. 2726, H.R. 5515 | Lee [R-UT] | Greater sage-grouse; National Defense Authorization Act | Blocks a potential ESA listing for the greater sage-grouse for at least 9 years; derails the National Greater Sage-Grouse Planning Strategy and transfers up to 60 million acres of public land to states. | 6/18/18 |
| 42. | S. Amdt. 2725, H.R. 5515 | Lee [R-UT] | American burying beetle; National Defense Authorization Act | Immediately and permanently removes ESA protections for the endangered American burying beetle; removes judicial review. | 6/18/18 |
| 43. | S. Amdt. 2725, H.R. 5515 | Lee [R-UT] | Lesser prairie-chicken; National Defense Authorization Act | Blocks ESA protections for lesser prairie-chicken for at least 10 years; removes judicial review. | 6/18/18 |
| 44. | S. Amdt. 2725, H.R. 5515 | Lee [R-UT] | Greater sage-grouse; National Defense Authorization Act | Blocks ESA protections for sage-grouse for at least 10 years; removes judicial review. | 6/18/18 |
| 45. | Sec. 314, H.R. 5515 | Bishop [R-UT] | American burying beetle; National Defense Authorization Act | Immediately and permanently removes ESA protections for the endangered American burying beetle; removes judicial review. | 5/24/18 |
| 46. | Sec. 314, H.R. 5515 | Bishop [R-UT] | Lesser prairie-chicken; National Defense Authorization Act | Blocks ESA protections for lesser prairie-chicken for at least 10 years; removes judicial review. | 5/24/18 |
| 47. | Sec. 314, H.R. 5515 | Bishop [R-UT] | Greater sage-grouse; National Defense Authorization Act | Blocks ESA protections for sage-grouse for at least 10 years; removes judicial review. | 5/24/18 |
| 48. | H.R. 6119 | Rouzer [R-NC] | To remove the red wolf from the list of endangered and threatened wildlife for North Carolina and for other purposes | Directs the Secretary of Interior to promulgate a rule to delist the endangered red wolf in North Carolina. | 6/14/18 |
| 49. | Sec. 106, S. 1756 | Sullivan [R-AK] | Rebuild America Now Act | Amends NEPA to include a provision directing federal agencies to issue favorable permit decisions under federal permitting laws, including the ESA. | 5/15/18 |
| 50. | *Sec. 628, H.R. 4 | Shuster [R-PA] | Authorities; Federal Aviation Administration (FAA) Reauthorization Act of 2018 | Exempts the FEMA from complying with sections 7 and 9 of the ESA with regards to implementing its flood programs. | 5/8/18 |

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| 51. | *Sec. 161, H.R. 4 | Shuster [R-PA] | Critical habitat on or near airport property; FAA Reauthorization Act of 2018 | 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. | 5/8/18 |
| 52. | S. 2778 | Cruz [R-TX] | SAVES Act | Prohibits FWS from listing foreign species under the ESA. | 4/26/18 |
| 53. | H.R. 2603 | Gohmert [R-TX] | SAVES Act | Strips ESA protections for all non-native species within the United States. | 2/15/18 |
| 54. | *H.R. 3144 | McMorris Rodgers [R-WA] | To provide for operations of the Federal Columbia River Power System pursuant to a certain operation plan for a specified period of time, and for other purposes. | Overrides a 2016 federal district court decision and locks in place until at least 2022 an inadequate and dangerous 2014 Columbia Basin Biological Opinion to the detriment of threatened and endangered salmon. | 4/26/18 |
| 55. | S. 2587 | Cornyn [R-TX] | A bill to amend the ESA to establish a program to allow States to assume certain responsibilities with respect to highway projects within the States | Amends the ESA by allowing eligible states to assume the responsibilities of federal wildlife agencies under Section 7(a) and (b) of the ESA with respect to in-state highway projects and upon request, other infrastructure projects. | 3/21/18 |
| 56. | S. 735 | Enzi [R-WY] | State, Tribal, and Local Species Transparency and Recovery Act | Prioritizes state, tribal, and local data as “best science available.” | 3/27/17 |
| 57. | H.R. 1274 | Newhouse [R-WA] | State, Tribal, and Local Species Transparency and Recovery Act | See above. | 2/15/18 |
| 58. | H.R. 3131 | Huizenga [R-MI] | Endangered Species Litigation Reasonableness Act | Restricts citizens’ ability to recover litigation costs under the ESA. | 2/15/18 |
| 59. | H.R. 717 | Olson [R-TX] | Listing Reform Act | Relies on economic effects to delay protections for species that government scientists already determined are threatened or endangered. | 2/15/18 |
| 60. | H.R. 424 | Peterson [D-MN] | Gray Wolf State Management Act of 2017 | 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. | 1/8/18 |
| 61. | S. 164 | Johnson [R-WI] | Gray Wolf State Management Act of 2017 | See above. | 1/17/17 |
| 62. | S. 2277 | Flake [R-AZ] | A bill to require delisting of the Mexican gray wolf under the ESA | Delists the endangered Mexican gray wolf, even though there are only 114 individual wild lobos left in the U.S. | 1/4/18 |

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| 63. | *Sec. 2029, H.R. 4667 | Frelinghuysen [R-NJ] | Authorities; Making further supplemental appropriations for FY18 for disaster assistance | Exempts the FEMA from complying with sections 7 and 9 of the ESA with regards to implementing its flood programs. | 1/4/18 |
| 64. | Explanatory statement – draft FY18 Senate Interior Approps. | Murkowski [R-AK] | Senate FY18 Interior Appropriations Bill Report Language – North Carolina Red Wolf | Encourages the FWS to end the red wolf recovery program in FY18 and declare the red wolf extinct. | 11/20/17 |
| 65. | Sec. 433 – draft FY18 Senate Interior Approps. | Murkowski [R-AK] | Senate FY18 Interior Appropriations Bill – Flood control | Directs the Army Corps of Engineers to initiate construction on a project that FWS concluded would likely adversely affect the federally endangered pondberry plant. | 11/20/17 |
| 66. | Sec. 431 – draft FY18 Senate Interior Approps. | Murkowski [R-AK] | Senate FY18 Interior Appropriations Bill – Consultation for Forest Management Projects | Removes the obligation of all federal agencies to reinstate consultation under the ESA when species are newly listed, critical habitat is newly designated, or other new pertinent information on a listed species becomes available. | 11/20/17 |
| 67. | Sec. 121 – draft FY18 Senate Interior Approps. | Murkowski [R-AK] | Senate FY18 Interior Appropriations Bill – Lesser prairie-chicken | Blocks the FWS from taking any steps to list the lesser prairie-chicken under the ESA. | 11/20/17 |
| 68. | Sec. 120 – draft FY18 Senate Interior Approps. | Murkowski [R-AK] | Senate FY18 Interior Appropriations Bill – Reissuance of final rules | 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. | 11/20/17 |
| 69. | Sec. 114 – draft FY18 Senate Interior Approps. | Murkowski [R-AK] | Senate FY18 Interior Appropriations Bill – Sage-grouse | Prevents the FWS from working on a proposed listing rule for greater sage-grouse or Columbia Basin sage-grouse under the ESA for at least another year. | 11/20/17 |
| 70. | *Sec. 910B, H.R. 2936 | Pearce [R-NM] | Pilot project for forest health, watershed improvement, and habitat restoration in New Mexico | Undermines the ESA's consultation process for forest management actions by eliminating the section 7 consultation requirement for forest management activities in three national forests – the Gila, Lincoln, and Cibola. | 11/1/17 |

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| 71. | *H.R. 2936 | Westerman [R-AR] | Resilient Federal Forests Act of 2017 | Undermines the ESA's consultation process for forest management actions by eliminating the section 7 consultation requirement for nearly all forest management activities. | 11/2/17 |
| 72. | S. Amdt. 1429, H. Con. Res. 71 | Lee [R-UT] | Spending-neutral reserve fund relating to clarifying federal jurisdiction with respect to intrastate species | Prohibits federal regulation of species found entirely within the borders of a single state, devastating endangered species conservation and leading to more extinctions. | 10/19/17 |
| 73. | S. Amdt. 1485, H. Con. Res. 71 | Lee [R-UT] | Spending-neutral reserve fund relating to empowering states to manage greater sage-grouse populations | Prevents the FWS from working on a proposed listing for greater sage-grouse under the ESA for at least 10 years, further jeopardizing the species. Also transfers management of more than 60 million acres of federal lands to states and prevents the withdrawal of 10 million acres of sage-grouse habitat from mineral leases. | 10/19/17 |
| 74. | Secs. 7 & 8, S. 1514 | Barrasso [R-WY]; Cardin [D-MD] | Wyoming/Great Lakes wolves – HELP for Wildlife Act | Directs the Secretary of the Interior to reissue the final rule published on Dec. 28, 2011 (on the status of the gray wolf in the western great lakes) and reaffirms a court decision that delisted gray wolves in WY; removes judicial review. | 10/5/17 |
| 75. | *Sec. 461, H.R. 3354 | Smith [R-MO]; Gianforte [R-MT] | House Interior Appropriations Bill of FY18; Limiting attorneys' fees | Prevents citizens from recovering legal fees in cases brought under the ESA, Clean Air Act, or Clean Water Act. | 9/27/17 |
| 76. | *Sec. 459, H.R. 3354 | Lamborn [R-CO] | House Interior Appropriations Bill of FY18; Preble's meadow jumping mouse | Blocks federal funding for the threatened Preble's meadow jumping mouse under the ESA. | 9/27/17 |
| 77. | *Sec. 458, H.R. 3354 | Lamborn [R-CO] | House Interior Appropriations Bill of FY18; 5-year status reviews | Blocks federal funding for listed species if FWS does not complete its 5-year review on time. | 9/27/17 |
| 78. | *Sec. 113, H.R. 3354 | Calvert [R-CA] | House Interior Appropriations Bill of FY18; Sage-grouse | Prevents the FWS from working on a proposed listing rule for greater sage-grouse or Columbia Basin sage-grouse under the ESA for at least another year. | 9/27/17 |
| 79. | *Sec. 116, H.R. 3354 | Calvert [R-CA] | House Interior Appropriations Bill of FY18; Reissuance of final rules (for Wyoming and Great Lakes 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. | 9/27/17 |

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| 80. | *Sec. 117, H.R. 3354 | Calvert [R-CA] | House Interior Appropriations Bill of FY18; Gray wolves range-wide | Prevents the FWS from spending any funds on ESA protections for all gray wolves in the lower 48 states, including Mexican gray wolves and their recovery. | 9/27/17 |
| 81. | H. Amdt. 334, H.R. 3354 | Bacon [R-NE] Gosar [R-AZ] | House Interior Appropriations Bill of FY18; Transferring LWCF funds to species delisting account | Decreases funding for LWCF by \$4 million with the stated intent of increasing funds to delist species protected under the ESA. | 9/7/17 |
| 82. | S. 1863 | Lee [R-UT] | Native Species Protection Act | Prevents intrastate species from being listed under the ESA. Could lead to countless extinctions, since states lack adequate laws & resources to protect imperiled species. | 9/26/17 |
| 83. | H.R. 3668 | Duncan [R-SC] | SHARE Act | 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. | 9/18/17 |
| 84. | H.R. 3715 | Walden [R-OR] | Scenic Columbia Gorge Restoration Act of 2017 | Undermines the ESA's consultation process for forest management actions by eliminating the requirement for salvage logging projects in National Scenic Areas to consult under Section 7. | 9/15/17 |
| 85. | S. Amdt. 469, H.R. 2810 | Lee [R-UT] | National Defense Authorization Act; Greater sage-grouse protection and recovery | Blocks 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. | 7/27/17 |
| 86. | *H.R. 23 | Valadao [R-CA] | Gaining Responsibility on Water Act of 2017 | Overrides ESA protections for listed salmon and other species. | 7/18/17 |
| 87. | Sec. 6, H.R. 2548 | Barletta [R-PA] | FEMA Reauthorization Act of 2017; Authorities | Exempts FEMA from its consultation responsibilities under Section 7 of the ESA; exempts FEMA from liability for any violations of Section 9 of the ESA. | 6/23/17 |
| 88. | **Sec. 114, H.R. 244 | Calvert [R-CA] | Consolidated Appropriations Act 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. | 5/5/17 |
| 89. | S. 935 | Paul [R-KY] | Endangered Species Management Self-Determination Act | Weakens or removes powerful ESA provisions; effectively eliminates federal protection for endangered/threatened species. | 4/25/17 |

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| 90. | H.R. 2134 | Luetkemeyer [R-MO] | Endangered Species Management Self-Determination Act | See above. | 4/25/17 |
| 91. | S. 879 | Barrasso [R-WY] | National Forest Ecosystem Improvement Act of 2017 | Curtails application of the ESA, putting fish and wildlife conservation at risk & increasing chance of mgmt. conflicts. | 4/6/17 |
| 92. | H.R. 1525 | Smith [R-MO] | Stop Taxpayer Funded Settlements Act | Prevents federal employees from entering into settlements that would provide for attorney's fees in environmental law cases, including ESA cases. | 3/31/17 |
| 93. | H.R. 1273 | Newhouse [R-WA] | 21st Century Endangered Species Transparency Act | Has the potential to have a chilling effect on scientific research. | 3/1/17 |
| 94. | S. 376 | Cornyn [R-TX] | 21 st Century Endangered Species Transparency Act | See above. | 2/14/17 |
| 95. | S. 375 | Cornyn [R-TX] | A bill 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 the lawsuit. | 2/14/17 |
| 96. | S. 368 | Flake [R-AZ] | Mexican Gray Wolf Recovery Plan Act | Gives the states of Arizona and New Mexico unchecked power in drafting the recovery plan for managing the endangered Mexican gray wolf. | 2/14/17 |
| 97. | H.R. 226 | Young [R-AK] | African Elephant Conservation and Legal Ivory Possession Act | 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 within the U.S. | 2/10/17 |
| 98. | H.J. Res. 60 | Newhouse [R-WA] | Providing for congressional disapproval under the CRA of the final FWS rule relating to compensatory mitigation under the ESA | Blocks the implementation of a long overdue Obama Administration policy that would bring greater clarity, consistency, and effectiveness to ESA compensatory mitigation. | 2/2/17 |
| 99. | S. 273 | Risch [R-ID] | Greater Sage-Grouse Protection and Recovery Act of 2017 | Prevents the FWS from listing greater sage-grouse under the ESA for at least 10 years, further jeopardizing the species. Also transfers management of more than 60 million acres of federal lands to states and prevents the withdrawal of 10 million acres of sage-grouse habitat from mineral leases. | 2/1/17 |
| 100. | H.R. 527 | Bishop [R-UT] | Greater Sage-Grouse Protection and Recovery Act of 2017 | See above. | 1/13/17 |

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SUMMARY OF LEGISLATIVE ATTACKS ON THE ENDANGERED SPECIES ACT IN THE 115TH CONGRESS

INDEX OF BILLS & AMENDMENTS

| Count | Bill Number | Bill Sponsor(s) | Title | Impact of Bill/Provision | Last action |
|--|------------------------------|------------------|---|---|-------------|
| 101. | S. Amdt. 151, S. Con. Res. 3 | Lee [R-UT] | Deficit-neutral reserve fund relating to the protection and recovery of the greater sage-grouse | Prevents the FWS from listing greater sage-grouse under the ESA for at least 10 years, further jeopardizing the species. Also transfers management of more than 60 million acres of federal lands to states and prevents the withdrawal of 10 million acres of sage-grouse habitat from mineral leases. | 1/11/17 |
| 102. | Amdt., H.R. 26 | Amodei [R-NV] | Protection and Recovery of Greater Sage-Grouse | Prevents the FWS from listing greater sage-grouse under the ESA for at least 5 years, further jeopardizing the species. Also transfers management of more than 60 million acres of federal lands to states and prevents the withdrawal of 10 million acres of sage-grouse habitat from mineral leases. | 1/3/17 |
| CATEGORY 2: Bills that exempt projects from provisions of the ESA | | | | | |
| 103. | S. 1417 | Hatch [R-UT] | Sage-Grouse and Mule Deer Habitat Conservation and Restoration Act | Creates an unnecessary categorical exclusion under NEPA for conifer control projects to conserve sage-grouse or mule deer on public lands. | 9/7/18 |
| 104. | H.R. 3543 | Stewart [R-UT] | Sage-Grouse and Mule Deer Habitat Conservation and Restoration Act | See above. | 7/28/17 |
| 105. | H.R. 6136 | Goodlatte [R-VA] | Border Security and Immigration Reform Act of 2018 | Exempts the U.S. Customs and Border Protection from complying with 35 federal laws, including the ESA, when it carries out border patrol activities or when it constructs, installs, operates and maintains tactical infrastructure and border technology. | 6/27/18 |
| 106. | H.R. 4760 | Goodlatte [R-VA] | Securing America's Future Act of 2018 | Exempts the U.S. Customs and Border Protection from complying with 36 federal laws, including the Endangered Species Act, when it carries out border patrol activities or when it constructs, installs, operates and maintains tactical infrastructure and border technology. | 6/21/18 |
| 107. | Sec. 120, H.R. 3548 | McCaul [R-TX] | Border Security for America Act of 2017 | Exempts the U.S. Customs and Border Protection from complying with 36 federal laws, including the Endangered Species Act, when it carries out border patrol activities or when it constructs, installs, operates and maintains tactical infrastructure and border technology. | 3/23/18 |
| 108. | Sec. 113, S. 1757 | Cornyn [R-TX] | Building America's Trust Act | See above. | 9/5/17 |

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| 109. | Sec. 1121, S. 2192 | Grassley [R-IA] | SECURE Act of 2017 | Exempts the U.S. Customs and Border Protection from complying with 36 federal laws, including the Endangered Species Act, when it carries out border patrol activities or when it constructs, installs, operates and maintains tactical infrastructure and border technology. | 12/6/17 |
| 110. | *H.R. 3043 | McMorris Rodgers [R-WA] | Hydropower Policy Modernization Act of 2017 | Gives the Federal Energy Regulatory Commission (FERC) the power to evade environmental laws, including the ESA. | 11/9/17 |
| 111. | S. 605 | Daines [R-MT] Tester [D-MT] | Litigation Relief for Forest Management Projects Act | Removes the obligation of the Forest Service and Bureau of Land Management to reinitiate consultation under the ESA when species are newly listed or critical habitat is newly designated. | 9/27/17 |
| 112. | H.R. 1483 | Simpson [R-ID] | Litigation Relief for Forest Management Projects Act | See above. | 3/23/17 |
| 113. | H.R. 3565 | Black [R-TN] | Federal Land Freedom Act of 2017 | Transfers responsibility for leasing, permitting, and regulating energy development on public lands from fed. govt. to states and waives enviro. laws, including the ESA. | 9/6/17 |
| 114. | S. 335 | Inhofe [R-OK] | Federal Land Freedom Act of 2017 | See above. | 2/7/17 |
| 115. | Sec. 161, H.R. 2997 | Shuster [R-PA] | 21 st Century AIRR Act – 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. | 9/6/17 |
| 116. | *H.R. 1654 | McClintock [R-CA] | Water Supply Permitting Coordination Act | Undermines existing laws, including the ESA, by making the U.S. Bureau of Reclamation the lead agency for all environmental reviews of surface water storage projects. | 6/26/17 |
| 117. | Sec. 105, H.R. 2613 | McMorris Rodgers [R-WA] | FORESTS Act of 2017 – Expedited compliance with ESA | Amends the consultation process for forest management projects under the ESA. | 6/8/17 |

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