

REMOVING FEDERAL ENDANGERED SPECIES ACT PROTECTIONS FOR MORE THAN 1,000 SPECIES

Failed: 49-51

SUMMARY:

The Senate rejected an amendment that would have removed or blocked federal Endangered Species Act (ESA) protections for all “intrastate species” found entirely within the borders of a single state, including over a thousand currently listed species (*October 19, 2017, Roll Call No. 242*).

BACKGROUND:

The ESA protects all listed endangered and threatened species – whether they are U.S. species found only in one state, wide-ranging U.S. species or nonnative species – if the science shows that the species is in danger of extinction throughout all or a significant portion of its range, or is likely to become an endangered species within the foreseeable future. Species are only listed under the ESA after the states in which they reside have failed to stop their decline. Across the board, states lack the necessary laws and resources to prevent species declines and extinctions. According to a 2017 article published in the *Environmental Law Reporter*¹, only 36 percent of states have laws on the books that would help protect both animal and plant federally-listed species. An overwhelming majority of states (90 percent) provide limited or no planning authority to help recover species. States also lack the necessary resources to prevent species declines and extinctions. Only five percent of all spending on endangered and threatened species comes from the states.

Senator Mike Lee (R-Utah) introduced an amendment to the Senate Budget Resolution (H. Con. Res. 71) that would direct Congress to introduce legislation prohibiting federal regulation of “intrastate species” under the ESA. This amendment promotes removing ESA protections for listed species found entirely within the borders of a single state and prevent future ESA protections for imperiled intrastate species that have not yet been listed. Passage of the legislation proposed in the amendment would devastate endangered species conservation and lead to more extinctions. As of 2017, roughly 77 percent of listed species – 1,270 – were intrastate species whose ranges did not cross state borders. This amendment would strip ESA protections from every listed plant or animal on Hawaii as well as other single-state species such as the polar bear, Florida panther, Key deer, Spectacled Eider, Puerto Rican parrot, golden cheeked warbler, Sonoran pronghorn, and more than a dozen butterflies. Passage of this amendment would promote more species extinctions.

OUTCOME:

On October 19, 2017, the Senate failed to achieve the 50 votes necessary to pass the Lee amendment to the budget resolution, rejecting it 49-51. “No” was the pro-conservation vote.

¹ Camacho, Dorn, Yildiz and Teegarden; *Assessing State Laws and Resources for Endangered Species Protection* (Oct. 2017), 47 ELR 10837, <https://www.law.uci.edu/academics/centers/cleanr/images/cleanr-esa-report.pdf>