



## The ESA Amendments Act of 2025: **Extinction in the Guise of Optimization**

The ESA Amendments Act of 2025, H.R. 1897, would eviscerate Endangered Species Act (“ESA”) protection for species on the brink of extinction. Beloved American species like manatees, wolves, grizzlies, sea turtles, whales, and more would enjoy less protection and suffer more harm if this bill were to pass. Among other things, the bill:

### **Would upend the “consultation” process—the cornerstone of American species protection for 50 years.**

- Consultation with the wildlife agencies (the Fish and Wildlife Service and National Marine Fisheries Service) ensures that federal agencies do not take actions that are likely to jeopardize the continued existence of ESA-listed species or destroy their critical habitat. Consultation is the single most important process limiting damage by the federal government to the imperiled species that it is charged with protecting.
- Under the guise of “clarifying” consultation, this bill would make it a hollow exercise.
- First, the bill could eliminate the prohibition on agency actions likely to destroy critical habitat—paving the way for destruction of habitats that species on the brink need to survive and recover.
- Second, the bill would only allow the wildlife agencies to make a “jeopardy” finding for a proposed federal action *if the action itself* causes jeopardy—allowing a project to be greenlit if jeopardy results from multiple sources or has accumulated from years of harmful projects.
- Third, the bill would require harmful and inefficient revisiting of past consultations in subsequent consultations related to the same project. In those subsequent consultations, if certain past conservation measures are not deemed to speed the timeline towards recovery, then the measures must be discontinued. It may not even be feasible to do this in many circumstances—as when mitigation contracts are locked in or redesigns already implemented. Moreover, when it is feasible it makes no sense. If a species is still not recovering any faster despite past mitigation, there is cause to ramp up conservation—not discontinue it.
- Finally, the bill narrows the scope of consultation in other harmful ways—for example, by cutting out consideration of certain catastrophic potential effects (e.g., oil spills from pipeline projects) and playing games with the environmental baseline to hide species decline.

### **Would slow listings to a crawl and fast-track delistings.**

- The bill would extend the timeline for listing decisions by a factor of 5 to 10, allowing imperiled species to slide towards extinction for years without federal protection.

- Meanwhile, it would require delistings to be fast-tracked on a timeline that the wildlife agencies, already staggering under the blows of years of underfunding and this administration’s unlawful staff firings, may struggle to meet.

**Would gut review of the permits that allow ESA-listed species to be “taken.”**

- The bill would exempt “incidental take permits,” which allow imperiled listed species to be harmed or killed—from any meaningful review by treating each as a “God Squad” application that is automatically granted. The God Squad is a committee that can vote—typically after extensive process—for a proposed project to cause a species extinction. Greenlighting God Squad grants as this bill does creates a real danger of extinction without any review or process.
- In addition, the bill would freeze mitigation measures that are required as a condition of take permit issuance in place, with no additional measures allowed for future federal approvals, even if the past mitigation measures are clearly not working and are allowing a species on the brink of extinction to decline.

**Would allow much more take of threatened species and shift their management out of federal hands, even while they are still federally listed.**

- The bill would prevent the Fish and Wildlife Service from ever again adopting a “blanket 4(d) rule” to protect threatened species from “take,” which ranges from harassment to killing. Instead, the Service would have to take the more burdensome approach of adopting species-specific rules.
- Meanwhile, these species-specific rules would become dramatically less protective under the bill, with provisions for take increasing just as species are beginning to recover. Management could switch from federal to state hands even while species are still federally listed.

**Would allow more sport hunting in the guise of “conservation.”**

- Under this bill, the ESA’s definition of “conservation,” which is the touchstone for many decisions made under the statute, would be revised to allow “regulated taking,” such as sport hunting, without previous safeguards that limited its use.

**Would substitute politics for science-based decisionmaking.**

- The bill turns the commonsense understanding of “best scientific and commercial data available” on its head.
- The best available science has rightly been the gold standard for ESA decisionmaking.
- Yet, under the bill, the “best science” would automatically include all data submitted by a State, Tribal, or local government—regardless of its quality.

**Would increase the role of ineffective voluntary conservation measures.**

- Under the bill, voluntary pre-listing agreements called “Candidate Conservation Agreements with Assurances” (CCAAs) would grow in importance while shrinking in effectiveness.
- Among other things, CCAAs would require mandatory approval if they clear an incredibly low bar by providing *any* “net conservation benefit” (even a tiny improvement) relative to a baseline that usually involves no protections at all. Thereafter, the CCAA could shield signatories against further requirements to protect species.
- These agreements have proven ineffective in the past, as with the dunes sagebrush lizard, which declined under voluntary conservation agreements and had to be listed as endangered.

**Would erode public accountability in wildlife management.**

- The bill contains provisions intended to deter citizen enforcement of wildlife protections.

**Attacks rules intended to protect threatened and endangered species.**

- The bill would severely hamper the wildlife agencies’ ability to issue additional protective regulations needed to fulfill Congress’ original purpose of ensuring the full recovery of imperiled species, such as regulations protecting North Atlantic right whales from deadly vessel strikes.

**Defenders of Wildlife opposes this destructive bill in the strongest possible terms.**

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