

PAVING THE ROAD TO EXTINCTION

Congress's Expanded Assault on Endangered
Species Through Appropriations Poison-Pill Riders



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Congress's Expanded Assault on Endangered Species Through Appropriations Poison-Pill Riders

A Report from the Center for Biological Diversity

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EXECUTIVE SUMMARY

The 118th Congress has weaponized the annual appropriations process to an extent never seen before to attack endangered species and the Endangered Species Act itself. Led almost entirely by Republicans in the U.S. House of Representatives, **the Fiscal Year 2024 government spending bills contain the largest number of anti-wildlife poison pill riders in the 50-year history of the Endangered Species Act.** This number is higher than even the 2015-2016 Congress, when Republicans held both chambers.

These poison-pill riders would not only weaken the Endangered Species Act — the country’s most important law for protecting and recovering animals and plants on the brink of extinction — but strip away lifesaving protection from individual species including gray wolves, grizzly bears, northern long-eared bats, and critically endangered Rice’s whales.

Most concerning, some Republicans have even begun to expressly cheer on the full extinction of the most critically endangered species. In July 2023, during a congressional hearing on northern long-eared bats, Rep. Ralph Norman (R–S.C.) said²:

“ I HOPE THE WHITE-NOSE SYNDROME WIPES ALL OF THEM OUT. WE WON’T HAVE IT TO WORRY ABOUT. ”

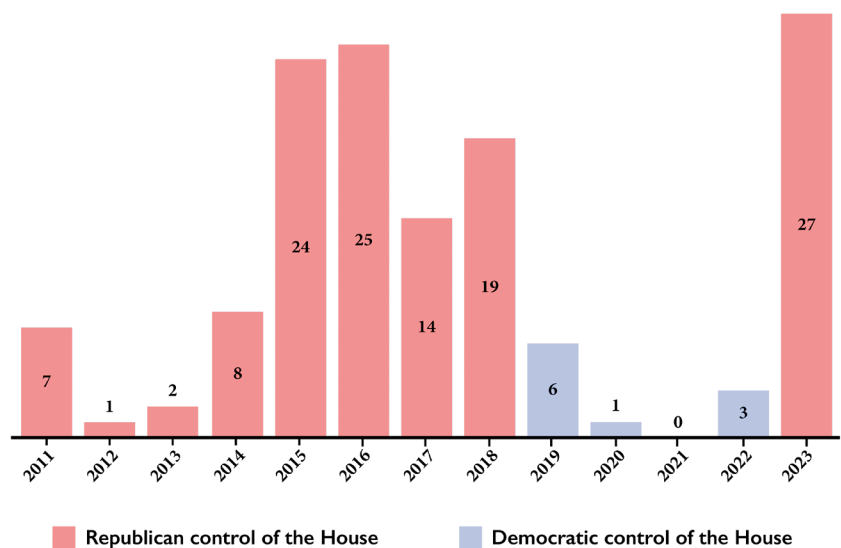
In total the FY24 appropriations bills contain at least 27 separate attacks on endangered species.¹

Of these 27 attacks:

- 26 were introduced by Republican members of Congress
- One was introduced by Senate Democrats as part of an agreement to maintain “legacy” anti-environmental riders.
- Rice’s whales and North Atlantic right whales — two of the world’s most endangered whales — were targeted six times, the most of any species.
- 17 riders — or over 60% — target specific species, many of which, including lesser prairie chickens and dunes sagebrush lizards, have been waiting decades for protection.

CONGRESSIONAL ATTACKS ON WILDLIFE

Anti-ESA and Wildlife Appropriations Riders, 2011-2023



¹See Appendix

²<https://www.youtube.com/watch?v=8vN-S9UmCEs>

Unfortunately, the Endangered Species Act continues to be a top target for anti-environmental members of Congress, and both the number of attacks in appropriations bills as well as legislative attacks more broadly have increased under Republican control.³

Historically, while the majority of riders are not enacted into law, the few that slip through the cracks have had horrific consequences for wildlife. In 2011 a Republican-controlled Congress passed a rider that legislatively delisted gray wolves in the northern Rockies. The premature loss of federal protection led to the merciless killing of wolves in these states. In 2015 and every year since, Congress has also included a rider blocking the U.S. Fish and Wildlife Service from considering whether to protect greater sage grouse under the Endangered Species Act. The consequences of the rider — most notably an overly weak framework for sage grouse conservation and recovery — have been devastating for the bird and its habitat. Populations have declined 40% rangewide over the past two decades and continue on a downward trend. Most recently, as part of a backroom political deal in December 2022, Congress passed a rider that delays conservation actions that are essential to preventing fishing gear from killing and entangling critically endangered North Atlantic right whales. This almost certainly put these iconic animals on an irreversible path toward extinction.

With each successful extinction rider, anti-wildlife members of Congress have become more emboldened to continue these attacks, placing short-term benefits to special interests and political benefactors before the integrity of our nation's natural heritage. This not only puts individual species at serious risk but also threatens to undermine the Endangered Species Act itself — and ultimately our ability to stop extinction in the United States.

SPECIES TARGETED IN FY24 APPROPRIATIONS BILLS

SIX ATTACKS ON WHALES

Rice's whales and North Atlantic right whales are two of the world's most critically endangered whales. Rice's whales are often affectionately dubbed "America's whale" since they are the only large whales to live entirely within U.S. waters. Because they feed and rest close to the surface, they are extremely vulnerable to collisions with ships, including those operated by the fossil fuel industry, which prioritizes speed and profits over safety and the environment. With only about 50 individuals left in the world, the death of even one female whale further jeopardizes the species' existence.

North Atlantic right whales are also spiraling toward extinction, with a population of only around 360 individuals, fewer than 70 of whom are reproductive females. These whales continue to be the victim of ship strikes and entanglements in fishing gear, which can result in protracted, painful deaths. Atlantic right whales are declining so quickly that they may be functionally extinct by 2040 if more isn't done to save them.

MEMBERS RESPONSIBLE FOR ATTACKS: REPS. GARRET GRAVES (R-LA.), CLAY HIGGINS (R-LA.), MIKE COLLINS (R-GA.), TOM COLE (R-OKLA.)



³ <https://centeractionfund.org/endangered-species-act/>

Photo by Andrea Zaccardi



GRIZZLY BEARS

Reaching up to 800 pounds and 8 feet tall standing, grizzly bears boast tremendous size and physical strength. Yet the recovery of this iconic apex carnivore throughout the country is still very much in doubt. After being almost entirely wiped out 50 years ago, today they remain in only about 6% of their original range. Removing federal protection from grizzlies would pave the way for trophy hunting and subject bears to ever-increasing levels of persecution by extreme state legislatures. For example, after federal protections were briefly removed in 2017, Wyoming and Idaho immediately announced grizzly hunts that would have allowed for up to 23 bears to be killed outside of Yellowstone National Park.

MEMBERS RESPONSIBLE FOR ATTACKS: REPS. MICHAEL SIMPSON (R-IDAHO), RYAN ZINKE (R-MONT.)

GRAY WOLVES

Gray wolves are an icon of America's wilderness. Highly intelligent and social, these animals are a keystone species who play a hugely important role in the ecosystems they inhabit. Unfortunately, they have been a top target of anti-wildlife members of Congress for over a decade, despite the concerns of independent scientists that wolves remain far from recovered.

MEMBER RESPONSIBLE FOR ATTACK: REP. MICHAEL SIMPSON (R-IDAHO)



TEXAS KANGAROO RATS

These adorable rodents have long tails and long hind feet that enable the kangaroo-like, leaping movements that help them evade predators. They collect grass seeds in an external cheek pouch and dine in their long but shallow burrows dug into loose soils. This kangaroo rat is rapidly disappearing from its dwindling native grassland habitat, which is at grave risk from climate change. After more than 40 years of delay, the U.S. Fish and Wildlife Service issued a proposed rule in August 2023 protecting the kangaroo rat as endangered.

MEMBER RESPONSIBLE FOR ATTACK: REP. RONNY JACKSON (R-TEXAS)

Photo by USEWS





SAGE GROUSE AND BI-STATE SAGE GROUSE

Every spring male sage grouse gather to strut their stuff in riveting mating rituals. Punctuating their displays with swishing, hooting and popping sounds, males bob their heads, fan out their tail feathers, raise their wings, and expand and contract distinctive yellow air sacs to compete for female favor. But greater sage grouse are rapidly disappearing from regions across the West due to livestock grazing, development, off-road vehicles, and many other threats. Bi-state sage grouse, who are genetically isolated from populations of sage grouse elsewhere in the West, are sliding toward extinction because of climate change, habitat loss, livestock grazing and predation by ravens.

MEMBERS RESPONSIBLE FOR ATTACKS: REP. MICHAEL SIMPSON (R-IDAHO), SEN. PATTY MURRAY (D-WASH.)

TEXAS FRESHWATER MUSSELS

Native to the lower Rio Grande, the Salina mucket and Mexican fawnsfoot have been lost from large portions of their former habitats due to dams, pollution, and habitat destruction. The mussels need clean, flowing water to survive and cannot live in reservoirs. They reproduce by extruding fish lures and then explosively broadcasting their larvae onto any fish that come near; baby mussels live on the fish's gills for about a month while they grow until dropping off onto the river bottom. After striking out on their own, the mussels filter the water both fish and humans need to survive. In July 2023 the Service proposed to protect the two mussel species under the Endangered Species Act and designate critical habitat for them.

MEMBERS RESPONSIBLE FOR ATTACKS: REPS. JODEY ARRINGTON (R-TEXAS), BRUCE WESTERMAN (R-ARK.), MATT ROSENDALE (R-MONT.), ANDY BIGGS (R-ARIZ.)



DUNES SAGEBRUSH LIZARDS

These 2.5-inch-long lizards have the second smallest range of any lizard in North America, inhabiting a rare ecosystem of low-lying shinnery oak shrubs where they hunt insects and spiders in windblown dunes. But more than 95% of the original shinnery oak dunes ecosystem has been destroyed by oil and gas and other development, as well as herbicide spraying to support livestock grazing. Much of the lizards' remaining habitat is fragmented, preventing them from finding mates beyond those already living close by. After over 40 years of delay, in June 2023 the Service issued a proposed rule to protect these tiny lizards under the Endangered Species Act.

MEMBER RESPONSIBLE FOR ATTACK: REP. MICHAEL SIMPSON (R-IDAHO)



NORTHERN LONG-EARED BATS

Northern long-eared bats have declined by 99% across most of their range in a span of just two decades. White-nose syndrome, caused by an exotic fungus originating in Europe, has devastated this species. However, human activities are now exacerbating the bats' catastrophic decline. Northern long-eared bats roost in large blocks of mature forest and forage along wooded hillsides and ridgelines, so forest fragmentation, logging, and clearing forests for agriculture and development are major threats to the species. The Service listed the bat as endangered in November 2022 after finding that its previous "threatened" status was not sufficiently protective to keep the bat from slipping further toward extinction. Without these increased protections, northern long-eared bats will likely go extinct in our lifetime.

MEMBER RESPONSIBLE FOR ATTACK: REP. MICHAEL SIMPSON (R-IDAHO)

LESSER PRAIRIE CHICKENS

Lesser prairie chickens are highly imperiled ground-nesting birds who once roamed the southern Great Plains by the millions, but as of last year had declined to roughly 27,000 birds — including a decline of at least 20% since 2021 — and their current population may now be well below even that number. They are found in less than 10% of their former habitats. After nearly three decades of delay, the Service issued a final rule in November 2022 protecting them under the Endangered Species Act.

MEMBER RESPONSIBLE FOR ATTACK: REP. MICHAEL SIMPSON (R-IDAHO)



APPENDIX I

Sponsor	Title of Legislation	Description of Attack
Rep. Higgins, Clay (R-LA); Rep. Dunn, Neal (R-FL)	Rider to the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2024	Prohibits NOAA Fisheries from implementing or enforcing a proposed rule protecting critical habitat for the critically endangered Rice's whale.
Rep. Rogers, Harold (R-KY)	Rider to the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2024	Blocks NOAA Fisheries from updating the current vessel speed rule for North Atlantic right whales, which is inadequate to prevent the whale's extinction, until the agency has developed a near-real-time monitoring system. Such a system does not currently exist, would likely take years to develop, and is highly unlikely to be an effective substitute for required vessel speed reductions.

Rep. Cole, Tom (R-OK)	Rider to the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2024	Blocks NOAA Fisheries from enforcing increased protections for North Atlantic right whales and Rice's whales from lethal ship strikes.
Rep. Simpson, Michael (R-ID)	Rider to the Department of Interior, Environment, and Related Agencies Appropriations Act, 2024	Blocks funding that would prohibit the EPA from regulating pesticides based on the result of ecological risk assessments, including harms to endangered species.
Sen. Murray, Patty (D-WA)	Rider to the Department of Interior, Environment, and Related Agencies Appropriations Act, 2024	Prevents the listing of the greater sage grouse and Columbia Basin sage grouse under the Endangered Species Act.
Rep. Graves, Garret (R-LA); Rep. Higgins, Clay (R-LA)	Rider to the Department of Interior, Environment, and Related Agencies Appropriations Act, 2024	Blocks increased protections for critically endangered Rice's whales from lethal vessel strikes and oil and gas activity.
Rep. Collins, Mike (R-GA)	Rider to the Department of Interior, Environment, and Related Agencies Appropriations Act, 2024	Prohibits NOAA Fisheries from finalizing a rule that would protect critically endangered North Atlantic right whales from lethal ship strikes.
Rep. Zinke, Ryan (R-Mont.)	Rider to the Department of Interior, Environment, and Related Agencies Appropriations Act, 2024	Legislatively delists the Greater Yellowstone Ecosystem population of grizzly bears; prohibits judicial review of such a decision.
Rep. Simpson, Michael (R-ID)	Rider to the Department of Interior, Environment, and Related Agencies Appropriations Act, 2024	Blocks funding for the North Cascades Grizzly Bear Ecosystem Restoration Plan, which aims to restore grizzly bears to the North Cascades.
Rep. Simpson, Michael (R-ID)	Rider to the Department of Interior, Environment, and Related Agencies Appropriations Act, 2024	Blocks federal agencies from prohibiting or restricting lead in ammunition or fishing gear.
Rep. Jackson, Ronny (R-TX)	Rider to the Department of Interior, Environment, and Related Agencies Appropriations Act, 2024	Prevents the listing of Texas kangaroo rats as endangered under the Endangered Species Act.
Rep. Boebert, Lauren (R-CO)	Rider to the Department of Interior, Environment, and Related Agencies Appropriations Act, 2024	Blocks the Biden administration from finalizing a rule rescinding a Trump-era regulation that gutted protections for threatened animals and plants.
Rep. Boebert, Lauren (R-CO)	Rider to the Department of Interior, Environment, and Related Agencies Appropriations Act, 2024	Blocks the Biden administration from finalizing a rule revising a Trump-era regulation that gutted Section 4 of the Endangered Species Act, which governs listing species and designating critical habitat.
Rep. Boebert, Lauren (R-CO)	Rider to the Department of Interior, Environment, and Related Agencies Appropriations Act, 2024	Blocks the Biden administration from finalizing a rule revising a Trump-era regulation that gutted Section 7 of the Endangered Species Act, which ensures through consultation that federal agency actions are not driving listed species extinct.

Rep. Arrington, Jodey (R-TX); Rep. Westerman, Bruce (R-AR); Rep. Rosendale, Matt (R-MT); Rep. Biggs, Andy (R-AZ)	Rider to the Department of Interior, Environment, and Related Agencies Appropriations Act, 2024	Prevents the listing of Salina muckets as endangered under the Endangered Species Act and prevents protecting its critical habitat.
Rep. Arrington, Jodey (R-TX); Rep. Westerman, Bruce (R-AR); Rep. Rosendale, Matt (R-MT); Rep. Biggs, Andy (R-AZ)	Rider to the Department of Interior, Environment, and Related Agencies Appropriations Act, 2024	Prevents the listing of Mexican fawnsfoot mussels as endangered under the Endangered Species Act and prevents protecting its critical habitat.
Rep. Simpson, Michael (R-ID)	Rider to the Department of Interior, Environment, and Related Agencies Appropriations Act, 2024	Prohibits the EPA from regulating rodenticides that harm species like black-footed ferrets, San Joaquin kit foxes, and aplomado falcons.
Rep. Simpson, Michael (R-ID)	Rider to the Department of Interior, Environment, and Related Agencies Appropriations Act, 2024	Prohibits any funding from being used to implement or enforce the final rule protecting dunes sagebrush lizards under the Endangered Species Act.
Rep. Simpson, Michael (R-ID)	Rider to the Department of Interior, Environment, and Related Agencies Appropriations Act, 2024	Prohibits any funding from being used to implement or enforce the final rule protecting northern long-eared bats under the Endangered Species Act.
Rep. Simpson, Michael (R-ID)	Rider to the Department of Interior, Environment, and Related Agencies Appropriations Act, 2024	Legislatively delists gray wolves in the lower 48 states, except for a small population of Mexican gray wolves in the Southeast.
Rep. Simpson, Michael (R-ID)	Rider to the Department of Interior, Environment, and Related Agencies Appropriations Act, 2024	Prohibits any funding from being used to implement or enforce the final rule protecting lesser prairie chickens under the Endangered Species Act.
Rep. Simpson, Michael (R-ID)	Rider to the Department of Interior, Environment, and Related Agencies Appropriations Act, 2024	Orders the secretary of the Interior to issue the final rule exempting federal agencies from revising or updating their land-management plans when they are harming endangered species.
Rep. Simpson, Michael (R-ID)	Rider to the Department of Interior, Environment, and Related Agencies Appropriations Act, 2024	Prevents the listing of greater sage grouse, bi-state sage grouse, and Columbia Basin sage grouse under the Endangered Species Act.
Rep. Valadao, David (R-CA)	Rider to the Energy and Water Development and Related Agencies Appropriations Act, 2024	Weakens the Endangered Species Act by preventing federal wildlife agencies from reinitiating consultation on the long-term impacts of the Central Valley Project in California, which harms numerous imperiled fish and wildlife, including delta smelt.

Rep. Valadao, David (R-CA)	Rider to the Energy and Water Development and Related Agencies Appropriations Act, 2024	Mandates enlargement of the Shasta Dam, which would harm imperiled species including northern spotted owls, Pacific Coast salmon, and Shasta snow wreaths.
Rep. Rogers, Mike (R-AL)	Rider to the National Defense Authorization Act for Fiscal Year 2024	Exempts military activities from the Marine Mammal Protection Act, gutting protections for critically endangered Rice's whales.
Rep. Biggs, Andy (R-AZ)	Rider to the National Defense Authorization Act, 2024	Exempts defense-related activities from the Endangered Species Act.