**Talking Points on the Endangered Species Act and Congressional Review Act Resolutions**

**The planet is experiencing a biodiversity crisis of epic proportions.**

* Scientists have warned that one million species are facing extinction.
* Earlier this year, a new study found that 40% of animals and 34% of plants in the United States are at risk of extinction, while 41% of ecosystems are facing collapse.
* The health of wildlife and ecosystems is directly related to human health – healthy ecosystems support clean water, clean air, and pollination, on which we all depend.
* People in the Americas benefit from an estimated $25 trillion per year of nature-based services.

**The Endangered Species Act is our most effective tool to prevent extinctions of species.**

* In enacting the Endangered Species Act in 1973, Congress took a bold and forward-looking step acknowledging both the moral and self-interested imperative to save species from extinction.
* Nearly all species listed under the ESA have been saved from disappearing forever and hundreds are on the path to recovery.
* The Endangered Act is effective largely because it is a science-based law. Decisions under the Endangered Species Act should be based on science, not politics.
* Species saved from extinction by the Endangered Species Act include America’s symbol – the bald eagle – as well as the peregrine falcon, the brown pelican, the American alligator, and the whooping crane.
* The ESA has been remarkably successful, but limited funding has prevented it from realizing its full potential. The ESA is starved not broken.

**The Endangered Species Act and the Congressional Review Act**

* While anti-wildlife proponents have proposed numerous bills on the ESA, they have opened a dangerous new front using the Congressional Review Act (“CRA”).
* The CRA is a blunt instrument with far reaching impacts, particularly for endangered species. Upon enactment of a CRA resolution, the underlying regulation becomes void, and an agency is prevented from future issuance of a rule that is “substantially the same” without an act of Congress.
* In particular, when a CRA resolution applies to rules related to listing or uplisting species, preventing needed protections of the Endangered Species Act — and the risk that the CRA could preclude “substantially the same” rule in the future—a vote to approve such a resolution is potentially a vote to condemn the species to extinction.

**Oppose H.J. Res. 29/S.J. Res. 9**

* H. J. Res. 29 would disapprove the U.S. Fish and Wildlife Service’s November 2022 rule listing the lesser prairie-chicken under the Endangered Species Act.
* The lesser prairie-chicken is a highly imperiled ground-nesting bird that has declined from millions of individuals to just 27,000 birds in 2022—a decline of 20% just since 2021.
* In issuing its final determination, the Service specifically found that existing voluntary conservation actions by States and the oil and gas industry “will not be enough to offset…habitat losses,” and that “the expected conservation efforts are inadequate to prevent continued declines in total habitat availability, much less restore some of what has been lost, and overall viability for this species will continue to decline.”
* Without protections of the Endangered Species Act — and the risk that the CRA could preclude “substantially the same” rule in the future—a vote to approve this resolution is nothing more than a vote to condemn the lesser prairie-chicken to extinction.

**Oppose H.J. Res. 49/S.J. Res. 24**

* H.J. Res. 49 would disapprove the U.S. Fish and Wildlife Service’s reclassification of the northern long-eared bat from threatened to endangered.
* Northern long-eared bats have declined 99% across much of their range in a span of just two decades.
* White-nose syndrome, caused by an exotic fungus originating in Europe, has devastated bat populations across their entire range.
* However, human activities have also played a major role in the bats’ catastrophic decline. Northern long-eared bats live in large blocks of mature forests 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 U.S. Fish and Wildlife 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.
* Given the risk that the CRA could preclude “substantially the same” rule in the future— a vote for this resolution could be the same as a vote to condemn the northern long-eared bat to extinction.
* As the U.S. Fish and Wildlife Service says, “bats are one of the most important misunderstood animals.” According to the Service:
	+ Bats play an essential role in pest control, pollinating plants, and dispersing seeds.
	+ Recent studies estimate that bats eat enough pests to save more than $1 billion per year in crop damage and pesticide costs in the United States corn industry alone.
	+ Across all agricultural production, consumption of insect pests by bats results in a savings of more than $3 billion per year.
	+ While many bats eat insects, others feed on nectar and provide critical pollination for a variety of plants like peaches, cloves, bananas and agaves. In fact, bats are the sole pollinator for the agave plant, a key ingredient in tequila!
* As with other listed species, the ESA has the flexibility to allow economic activities that may impact the species to go forward if impacted parties obtain incidental take permits. So long as they follow permit requirements designed to minimize and mitigate their impact on the species, they have assurances that they will not be held legally liable for take of the species.
* Numerous companies, as well as the state of Missouri, have been issued such permits, covering activities such as logging and wind farm operation.