October XX, 2023

**RE: PLEASE OPPOSE ANTI-ESA BILL H.R. 520**

Dear Representative:

On behalf of our organizations and our millions of members and supporters, we urge you to oppose H.R. 520, “To amend the Endangered Species Act of 1973 to provide that artificially propagated animals shall be treated the same under that Act as naturally propagated animals, and for other purposes,” introduced by Rep. Tom McClintock R-CA. The bill will be included in a hearing expected to be held by the House Natural Resources Subcommittee on Water, Wildlife and Fisheries on October 18, 2023.

**H.R. 520 would undermine the central purpose of the Endangered Species Act (ESA) – the conservation of the ecosystems upon which endangered species and threatened species depend, 16 U.S.C. § 1531(b).** H.R 520 accomplishes this by prohibiting the Secretary from distinguishing between naturally propagated animals and artificially propagated animals in making determinations under the Act. The bill adds a new Section 14 to the ESA that directs the Secretary to authorize the use of artificial propagation of animals of a species for purposes of any mitigation required under the Act with respect to such species.

The ESA is America’s most effective law for protecting wildlife in danger of extinction. Nearly all species listed under the ESA have been saved from disappearing forever and hundreds are on the path to recovery. Species saved from extinction by the ESA include America’s symbol – the bald eagle – as well as the peregrine falcon, the brown pelican, the American alligator, the humpback whale, and the whooping crane. Scientists have warned that one million species are facing extinction in the coming years. At a time when the planet is experiencing a biodiversity crisis of epic proportions, Congress should not be considering legislation that guts our best tool for addressing this rapidly worsening crisis.

Controlled propagation is an essential tool in the conservation of imperiled species, expressly authorized by Section 3(3) of the ESA, 16 U.S.C. § 1532(3). Propagation is used by the U.S. Fish and Wildlife Service (FWS), the National Marine Fisheries Service (NMFS) and other conservation agencies to maintain genetic diversity in small, isolated populations, to permit scientific research, to supplement wild populations and to recover depleted populations in secure settings before reintroducing them to the wild. But as the FWS and NMFS noted in adopting a formal policy governing the use of controlled propagation, 65 FR 56916 (September 20, 2010), the central purpose of the ESA is to conserve the ecosystems on which endangered and threatened species depend, and “controlled propagation is not a substitute for addressing factors responsible for an endangered or threatened species' decline.” The agencies declared that their “first priority” is “to recover wild populations in their natural habitat wherever possible, without resorting to the use of controlled propagation.” *Id.* Moreover, as the FWS/NMFS policy makes clear, the use of propagation must be carefully controlled to avoid transmission of disease or genetic release into wild populations that may harm their survival.

H.R. 520 would force FWS and NMFS to abandon their carefully controlled approach to propagation as a conservation tool, forbidding the Secretary from making any distinction between artificial propagation and natural propagation and requiring approval of artificial propagation whenever mitigation is required under the ESA. Even more alarming, the sweeping language of H.R. 520 would force the Secretary to treat artificially propagated animals as if they were wild in making listing determinations and in determining when species have recovered. Sufficient numbers of fish in a hatchery or of animals in a zoo could, under this bill, preclude listing such species or force their delisting even when they cannot survive in the wild. The bill would thus destroy the central purpose of the ESA – conserving the habitats on which endangered and threatened species depend so that species can thrive in the wild.

Again, we urge you to oppose this damaging legislation. Thank you for your attention.

Sincerely

GROUPS