

## Is there *really* no money for the Endangered Species Act?

### How the Bush administration has manufactured a budget crisis to withhold protections from endangered species and critical habitats

The Bush Administration has repeatedly stated that the U.S. Fish and Wildlife Service does not have enough money to address the backlog of species waiting to be listed under the Endangered Species Act (ESA) or to review potential new critical habitats deemed necessary for the health of species already listed. While it is true that U.S. Fish and Wildlife Service is experiencing a budget shortfall, it often goes unmentioned that the Bush Administration has failed to ask Congress for more money, *despite the fact that Congress has provided all the funding they have requested, and has invited the Administration to ask for more.*

As a result, the ESA listing program continues to be underfunded, species and habitats continue to decline without protections, and the Bush Administration continues to use this manufactured budget shortfall as an excuse to withhold protections from imperiled species and their habitats. The timeline below illustrates how a federal agency that by its own admission needs \$153 million to do its job will only receive \$12 million this year, *simply because the Administration refuses to ask for adequate funding that Congress is willing to provide.*

- U.S. Fish and Wildlife Service stated in 2003 it needs approximately \$153 million for the ESA listing budget to address the backlog of candidate species and critical habitat designations.<sup>1</sup>
- However, the Administration requested only \$9 million for this program for 2003 and \$12 million for Fiscal Year 2004.<sup>2</sup> This amount was expected to cover only those activities ordered by the courts in response to lawsuits, and provided no money for dealing with the backlog.<sup>3</sup>
- In February 2003, Congress appropriated the entire amount requested by the Administration for the listing budget.<sup>4</sup> Acknowledging that the Administration's request was inadequate, Congress invited the Administration to submit a supplemental budget request for the listing budget.<sup>5</sup>
- Interior Secretary Gale Norton refused that invitation.
- Just 12 weeks later, the Administration held a press conference announcing it will be seeking relief from court-ordered listing and critical habitat actions, citing a lack of funding for the listing budget.<sup>6</sup>

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## Citations

1. ***“[The U.S. Fish and Wildlife] Service estimates that approximately \$153 million would be needed to address the current backlog of listing and critical habitat obligations.”***

Secretary of Interior, Gale Norton and U.S. Fish and Wildlife Service Director, Steven Williams, defendants’ responses to interrogatories in *Defenders of Wildlife et al. v. Gale Norton and Steven Williams* (CIV 02-00163-M DWM), page 4.

2. The U.S. Fish and Wildlife Service is a federal agency within the Department of Interior. The Department of Interior has to submit a budget request to the White House, which then submits the request to Congress. Therefore, Secretary of Interior Gale Norton and Undersecretary of Interior Craig Manson (political appointees of the Bush Administration) oversee the budget request from U.S. Fish and Wildlife Service.

White House proposed budget (appendices) for FY 2003 (\$9,077,000), and FY 2004 (\$12,286,000).

<http://w3.access.gpo.gov/usbudget/fy2004/pdf/appendix/int.pdf>

<http://www.gpoaccess.gov/usbudget/fy03/pdf/app12.pdf>

3. ***“In Fiscal Year 2002, the [ESA] Listing program was appropriated \$9,000,000, of which a maximum of \$6,000,000 could be used for critical habitat designations for already listed species...The [U.S. Fish and Wildlife] Service has received court orders and has entered into settlement agreements that in total will consume the full \$6 million...”***

Department of Interior budget justification. 2002. Budget Justifications and Annual Performance Plan, Fiscal Year 2003, page 50. Washington, D.C.

4. Congress appropriated \$9,077,000 for the Listing and Critical Habitat budget for FY 2003.

PL 108-07, February 20, 2003, Consolidated Appropriations Resolution for Fiscal Year 2003, page 210.

<http://thomas.loc.gov/home/approp/app03.html>

Congress has been willing to provide funding for the ESA listing and critical habitat budget. Over the past 24 years, Congress has appropriated an average of 100% of the Administrations’ requests for the listing budget, including 13 years when it appropriated more money than the Administrations requested.

5. ***“The managers understand that the Department [of the Interior] believes additional funding, beyond that requested in the budget, will be needed for the listing program in fiscal year 2003 and the managers will consider a supplemental request for additional funds if one is submitted later this year.”***

PL 108-10, January 7, 2003, Conference Report 108-010, Making further continuing appropriations for the fiscal year 2003, page 979. <http://thomas.loc.gov/home/approp/app03.html>

6. ***“Faced with mounting numbers of court orders from six years of litigation, the Interior Department’s U.S. Fish and Wildlife Service will soon run out of funds to designate critical habitat for threatened and endangered species...The Service will also approach plaintiffs and courts to seek extensions to deadlines in affecting 32 species.”***

U.S. Department of Interior press release, May 28, 2003

[http://endangered.fws.gov/criticalhabitat/ch\\_pressrelease.pdf](http://endangered.fws.gov/criticalhabitat/ch_pressrelease.pdf)