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Appropriations for Implementation of the Endangered Species Act Since FY2017

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Appropriations for Implementation of the Endangered Species Act Since FY2017

The Endangered Species Act of 1973 (ESA; P.L. 93-205, 16 U.S.C. §§1531-1544) aims to conserve species listed as endangered or threatened under the act. Once a species is listed under the ESA, the act provides tools to aid in the species' conservation and recovery and to protect its habitat. The act is primarily administered by two agencies: the U.S. Fish and Wildlife Service (FWS), within the Department of the Interior, and the National Oceanic and Atmospheric Administration's (NOAA's) National Marine Fisheries Service (NMFS), within the Department of Commerce. FWS has primary jurisdiction over most terrestrial and freshwater species, while NMFS has primary jurisdiction for most marine and anadromous species. As such, these two agencies receive the majority of funding appropriated by Congress to administer the ESA. Many Members of Congress are interested in how the agencies allocate funding for and implement the ESA because U.S. states and territories manage species that are or may be listed under the act. Congress is also interested in how efficiently the agencies administer certain sections of the act and how much funding to appropriate for conservation and recovery of listed species.

FWS and NMFS work together, and with other federal agencies, to implement the ESA. FWS's and NMFS's ESA-related activities include, but are not limited to

- listing species under the ESA and designating critical habitat;
- developing and implementing recovery plans for listed species;
- developing protective regulations;
- consulting on federal actions that may affect a listed species or its designated critical habitat;
- providing grants for species conservation and recovery; and
- engaging in international, bilateral, and/or multilateral conservation efforts.

Congress provides FWS with discretionary appropriations through annual Interior, Environment, and Related Agencies appropriations laws. Funding for FWS's ESA-related activities is provided in the Resource Management account (under the Ecological Services activity) and the Cooperative Endangered Species Conservation Fund (CESCF) account. Discretionary appropriations (in real dollars) for FWS's Ecological Services activity have generally decreased from approximately \$317.5 million in FY2017 to approximately \$277.5 million in FY2026. They have decreased for the CESCF account from approximately \$70.5 million in FY2017 to approximately \$22.2 million in FY2026. In recent years, Congress has also provided mandatory appropriations from the Land and Water Conservation Fund to the CESCF (e.g., approximately \$40.2 million in FY2026).

Congress provides NMFS with discretionary appropriations in annual Commerce, Justice, Science, and Related Agencies appropriations laws, under two accounts: Operations, Research, and Facilities (ORF) and the Pacific Coastal Salmon Recovery Fund (PCSRF). Within ORF, appropriations for ESA-related activities may be included within the Protected Resources Science and Management and Enforcement line items. These two line items also may fund non-ESA-related activities; therefore, NMFS's ESA-related activities are not readily calculable from annual appropriations legislation. According to values from NOAA, estimated funding (in real dollars) for NMFS's ESA-related activities increased from approximately \$196.7 million in FY2017 to approximately \$220.5 million in FY2025. Appropriations (in real dollars) for the PCSRF have decreased from approximately \$87.5 million in FY2017 to \$65.0 million in FY2026. At times, Congress has addressed ESA-related funding for FWS and NMFS through legislation outside of the annual appropriations process. For example, both agencies received supplemental appropriations to fund ESA-related activities in the Infrastructure Investment and Jobs Act (P.L. 117-58) and the legislation commonly referred to as the Inflation Reduction Act of 2022 (P.L. 117-169).

Congress may consider multiple issues related to funding ESA implementation, including the sufficiency of staff at FWS and NOAA to implement the ESA; whether funding levels to conserve and recover listed species under the ESA are adequate; and oversight over the economic costs of the ESA and the distribution of those costs between federal agencies and nonfederal stakeholders.

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Eric P. Nardi
Analyst in Natural
Resources Policy

Anthony R. Marshak
Analyst in Natural
Resources Policy

Pervaze A. Sheikh
Specialist in Natural
Resources Policy

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Introduction

The Endangered Species Act of 1973 (ESA; P.L. 93-205, 16 U.S.C. §§1531-1544) aims to conserve species listed as endangered or threatened under the act. The ESA requires that all federal agencies shall seek to conserve threatened and endangered species, use their authorities in furtherance of the ESA, and cooperate with state and local agencies to resolve water resource issues in concert with conserving endangered species.¹ Domestic and foreign species of animals (both vertebrate and invertebrate) and plants can be listed as either endangered or threatened under the ESA, according to an assessment of their risk of extinction. Once a species is listed, the act provides tools to aid the species' conservation and recovery, and to protect its habitat.

The act is primarily administered by two agencies: the U.S. Fish and Wildlife Service (FWS), within the Department of the Interior (DOI), and the National Marine Fisheries Service (NMFS), within the National Oceanic and Atmospheric Administration (NOAA) in the Department of Commerce. FWS has primary jurisdiction over most terrestrial and freshwater species, while NMFS has primary jurisdiction for most marine and anadromous species. As such, these two agencies receive the majority of funding appropriated to administer the ESA. The authorization for funding included in Section 15 of the ESA expired on October 1, 1992;² since then, Congress has appropriated funds in each succeeding fiscal year to implement the ESA. The ESA's provisions—including those related to listings, consultations, prohibitions, and penalties—remain in effect despite the expiration of the authorization of appropriations.

Many Members of Congress are interested in how the FWS and NMFS allocate funding for and implement the ESA, because states—as well as American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, the Virgin Islands, outlying islands in the Pacific and the Caribbean, and the District of Columbia—manage species that are listed under the act or may be in the future. A broader issue for Congress is how some stakeholders perceive the ESA as, at times, pitting economic development against the conservation of listed species. Members are also interested in how efficiently the agencies conduct processes under the ESA, such as listing or delisting a species and completing agency consultations.³

This report examines selected FWS and NMFS appropriations related to the ESA for the period of FY2017 through FY2026. Quantifying funding levels for ESA-related activities can be challenging because the levels are not specified as line items within the appropriations laws for either agency. Further, Congress provides appropriations to many agencies for activities that address the ESA. For example, some agencies (e.g., the Bureau of Land Management, Bureau of Reclamation, National Park Service, U.S. Army Corps of Engineers, and U.S. Forest Service) receive appropriations that are used for activities related to the management of endangered and threatened species on lands and waters under their jurisdictions. These activities and their funding are not included in this report; this report provides an overview of ESA-related activities undertaken only by FWS and NMFS. Also, some information on expenditures associated with specific threatened and endangered species can be found in annual reports provided by the FWS.⁴

¹ 16 U.S.C. §1531(c).

² 16 U.S.C. §1542.

³ For more discussion of how the Endangered Species Act (ESA) is implemented, see CRS Report R46677, *The Endangered Species Act: Overview and Implementation*, by Pervaze A. Sheikh and Erin H. Ward.

⁴ The most recent report covers FY2022. U.S. Fish and Wildlife Service (FWS), *Federal and State Threatened and Endangered Species Expenditures: Fiscal Year 2022*, <https://www.fws.gov/media/endangered-and-threatened-species-expenditures-fiscal-year-2022>.

U.S. Fish and Wildlife Service

FWS works with NMFS and other federal agencies and nonfederal groups to implement the ESA. According to FWS, the agency's ESA-related activities include

- listing species under the ESA and designating *critical habitat*;⁵
- developing and implementing *recovery plans* for listed species;⁶
- developing habitat conservation plans;⁷
- developing protective regulations;⁸
- consulting on federal actions that may affect a listed species or its designated critical habitat;⁹
- providing grants for species conservation and recovery;¹⁰
- coordinating international conservation efforts;¹¹ and
- cooperating with nonfederal partners on conservation plans and projects.¹²

FWS generally receives discretionary appropriations through the annual Interior, Environment, and Related Agencies appropriations law. The funding for FWS's ESA-related activities is provided in two accounts: the Resource Management appropriations account and the Cooperative Endangered Species Conservation Fund (CESCF) appropriations account. Within the Resource Management appropriations account, ESA-related funding is provided under the Ecological Services activity (**Table 1**).

Congress modified the structure of the Ecological Services appropriation activity in FY2016. In prior years, the Endangered Species subactivity was one of three subactivities within Ecological Services. Starting in FY2016, actions related to the ESA were redistributed broadly across four new Ecological Services subactivities: Listing; Planning and Consultation; Conservation and Restoration; and Recovery.¹³

The CESCF provides grant funding to states and territories for species and habitat conservation actions on nonfederal lands, including land acquisition, conservation planning, habitat restoration, status surveys, captive propagation and reintroduction, research, and education.¹⁴ A state or territory must currently have, or enter into, a cooperative agreement with the Secretary of the Interior to receive grants. There are four types of grants under CESCF:

⁵ In accordance with 16 U.S.C. §1533. The ESA defines *critical habitat* for a threatened or endangered species under 16 U.S.C. §1532(5).

⁶ In accordance with 16 U.S.C. §1533(f).

⁷ FWS, "Habitat Conservation Plans," <https://www.fws.gov/service/habitat-conservation-plans>.

⁸ FWS and the National Oceanic and Atmospheric Administration's (NOAA's) National Marine Fisheries Service (NMFS) regulate the ESA primarily under 50 C.F.R. Chapter IV.

⁹ In accordance with 16 U.S.C. §1536.

¹⁰ In accordance with 16 U.S.C. §1535(d).

¹¹ In accordance with 16 U.S.C. §§1537-1537a.

¹² For more information, see FWS, "Endangered Species," <https://www.fws.gov/species/endangered-species>.

¹³ As a result of restructuring of accounts, pre-FY2016 funding levels may not be directly comparable with appropriations from FY2017 through FY2026.

¹⁴ P.L. 100-478; 16 U.S.C. §1535(i); FWS, "Cooperative Endangered Species Conservation Fund Grants," fact sheet, July 2025, <https://www.fws.gov/media/cooperative-endangered-species-conservation-fund-grants-section-6-endangered-species-act>.

- Traditional Conservation Grants—These grants support the development and implementation of state programs to conserve and monitor resident listed, candidate, and at-risk species.
- Conservation Planning Assistance Grants—These grants provide funding to states to support the development of new habitat conservation plans, safe harbor agreements, and candidate conservation agreements with assurances.
- Habitat Conservation Plan Land Acquisition Grants—This program provides grants to conserve species habitat that complement, but do not replace, the mitigation, minimization, and/or monitoring commitments of a habitat conservation plan.
- Recovery Land Acquisition Grants—These grants provide funds to leverage other funding to acquire specific parcels of land in support of species recovery plans.

All four grant categories require a minimum 25% nonfederal match, or a 10% total nonfederal match if two or more states or territories collaborate on a joint project. The CESCFC receives discretionary and mandatory funding. Congress provides discretionary appropriations for conservation and habitat planning grants, and for program administration. The ESA requires that certain mandatory funding be deposited into the CESCFC; the amounts deposited into the CESCFC are equal to (1) 5% of the total amounts deposited in the Federal Aid in Wildlife and Sport Fish Restoration Funds (16 U.S.C. §§669 et seq.; 16 U.S.C. §§777 et seq., respectively) each fiscal year; and (2) the amount by which the balance of fines, penalties, and forfeited property for violations of the ESA and the Lacey Act (16 U.S.C. §§3371-3378) exceeds \$500,000. The Great American Outdoors Act (54 U.S.C. §200303) authorized the CESCFC to also receive mandatory appropriations from the Land and Water Conservation Fund for Recovery Land Acquisition Grants and Habitat Conservation Plan Land Acquisition Grants.¹⁵

FWS also receives supplemental and other mandatory appropriations to fund ESA-related activities.¹⁶ Congress provided supplemental appropriations to fund ESA-related activities in the Infrastructure Investment and Jobs Act (IIJA; P.L. 117-58) and the legislation commonly referred to as the Inflation Reduction Act of 2022 (IRA; P.L. 117-169). For instance, the IIJA provided additional discretionary funding for restoration, planning, and development initiatives on lands currently leased by FWS for the conservation and recovery of endangered species in the Klamath Basin.¹⁷ The IRA provided additional mandatory funding for the development and implementation of recovery plans for threatened and endangered species under the ESA.¹⁸ The

¹⁵ The Great American Outdoors Act (GAOA) generally requires the President to submit annually to Congress “detailed account, program, and project allocations” for allocating mandatory appropriations from the Land and Water Conservation Fund. Congress may provide alternative allocations. Congress has accounted for mandatory appropriations by reducing CESCFC discretionary appropriations in recent fiscal years.

¹⁶ Supplemental appropriations include discretionary or mandatory funding provided by Congress in legislation outside of the regular annual appropriations process. For reference on differences between discretionary and mandatory spending, see CRS In Focus IF13124, *Distinguishing Between Discretionary and Mandatory Spending*, by Megan S. Lynch.

¹⁷ The Infrastructure Investment and Jobs Act (IIJA) provided FWS with \$91 million in supplemental discretionary funding annually from FY2022 to FY2026 (135 Stat. 1389). The funds were provided for a variety of activities under the Resource Management appropriations account. The IIJA also provided the Department of the Interior, U.S. Forest Service, and U.S. Environmental Protection Agency with authority to transfer certain funds to FWS and NMFS for costs of carrying out consultation requirements under Section 7 of the ESA (see 135 Stat. 1394; 1398; 1408; 1409).

¹⁸ The legislation commonly referred to as the Inflation Reduction Act of 2022 (IRA) provided \$125 million in supplemental mandatory appropriations to FWS in FY2022 (to remain available until expended) for the development and implementation of recovery plans (see P.L. 117-169, §60301; 136 Stat. 2079).

FY2025 reconciliation law (P.L. 119-21, commonly known as the One Big Beautiful Bill Act [OBBBA]) rescinded unobligated balances of amounts made available to FWS under the IRA.¹⁹

Table I. Enacted FWS Annual Discretionary Appropriations for ESA-related Activities, FY2017-FY2026

Thousands of nominal and real (January 2026) dollars

Fiscal Year	Appropriated Amounts (Nominal USD)		Appropriated Amounts (Real USD)	
	Ecological Services	CESCF ^a	Ecological Services	CESCF
FY2017	\$240,825.0	\$53,495.0	\$317,554.0	\$70,539.0
FY2018	\$247,825.0	\$53,495.0	\$318,744.0	\$68,803.4
FY2019	\$251,825.0	\$45,995.0	\$318,274.2	\$58,131.7
FY2020	\$266,012.0	\$35,731.0	\$332,277.0	\$44,631.8
FY2021	\$269,666.0	\$30,840.0 ^b	\$317,111.0	\$36,266.0
FY2022	\$277,409.0	\$23,119.0 ^c	\$302,765.8	\$25,232.2
FY2023	\$296,033.0	\$24,564.0 ^d	\$312,949.0	\$25,967.7
FY2024	\$288,284.0	\$23,000.0 ^e	\$297,040.4	\$23,698.6
FY2025	\$290,534.0	\$23,000.0 ^f	\$291,242.3	\$23,056.1
FY2026	\$277,530.0	\$22,202.0 ^g	—	—

Source: CRS. Compiled from FY2017 through FY2026 appropriations legislation and related reports.

Notes: CESCF = Cooperative Endangered Species Conservation Fund; and LWCF = Land and Water Conservation Fund. This table does not include mandatory or supplemental appropriations. Nominal appropriated dollar values were adjusted to January 2026 USD using Consumer Price Index data and the gross domestic product deflator.

- a. The amounts listed under the CESCF appropriations account include funding provided through the discretionary appropriations process and any rescissions stipulated in those appropriations laws.
- b. Additionally, in FY2021 the CESCF received \$11,162,000 in mandatory appropriations from the LWCF.
- c. Additionally, in FY2022 the CESCF received \$32,800,000 in mandatory appropriations from the LWCF.
- d. Additionally, in FY2023 the CESCF received \$32,800,000 in mandatory appropriations from the LWCF.
- e. Additionally, in FY2024 the CESCF received \$40,607,000 in mandatory appropriations from the LWCF.
- f. Additionally, in FY2025 the CESCF received \$40,162,000 in mandatory appropriations from the LWCF.
- g. Additionally, in FY2026 the CESCF received \$40,162,000 in mandatory appropriations from the LWCF.

National Marine Fisheries Service

NMFS works with the FWS and other federal, tribal, state, and local agencies, as well as nongovernmental organizations and private citizens, to implement the ESA. According to NMFS, the agency’s ESA-related activities include, but are not limited to

- listing marine and anadromous species under the ESA and designating critical habitat;²⁰

¹⁹ P.L. 119-21, §60017 (139 Stat. 156). At this time, it is unclear how much funding was rescinded.

²⁰ See footnote 5.

- developing and implementing recovery plans;²¹
- developing protective regulations;²²
- monitoring and evaluating the status of listed species;
- consulting on federal actions that may affect a listed species or its designated critical habitat;²³
- providing grants to states and tribes for species conservation;²⁴
- entering bilateral and multilateral agreements with other nations for conservation purposes;²⁵ and
- issuing permits that authorize scientific research activities to learn more about listed species, or activities that enhance the propagation or survival of listed species.²⁶

NMFS generally receives discretionary appropriations in the annual Commerce, Justice, Science, and Related Agencies appropriations law, within two accounts: Operations, Research, and Facilities (ORF) and the Pacific Coastal Salmon Recovery Fund (PCSRF).²⁷ Within ORF, appropriations for ESA-related activities may be included within the Protected Resources Science and Management and Enforcement line items. These two line items may fund non-ESA-related activities as well. For this reason, appropriations amounts for NMFS’s ESA-related activities are not readily calculable from annual appropriations legislation. **Table 2** contains estimates of ESA appropriations for FY2017 to FY2025 provided by NMFS. NMFS is currently preparing estimates of ESA appropriations for FY2026.²⁸

Congress also provided appropriations to support NOAA’s ESA-related activities from FY2022 through FY2026 in the IIJA and IRA.²⁹ Examples of efforts supported by these funds include NOAA allocations toward North Atlantic right whale conservation,³⁰ hatcheries for ESA-listed

²¹ See footnote 6.

²² See footnote 8.

²³ See footnote 9.

²⁴ See footnote 10.

²⁵ In accordance with 16 U.S.C. §1537.

²⁶ For more information, see NOAA, NMFS, “Endangered Species Conservation: ESA Implementation,” <https://www.fisheries.noaa.gov/topic/endangered-species-conservation/endangered-species-act-implementation>.

²⁷ For more details about the Pacific Coastal Salmon Recovery Fund, see CRS In Focus IF13096, *The Pacific Coastal Salmon Recovery Fund*, by Anthony R. Marshak.

²⁸ NOAA Office of Legislative and Intergovernmental Affairs, email to CRS, April 6, 2026.

²⁹ The IIJA provided NOAA with funding for activities that may benefit ESA-listed and non-ESA-listed species, such as \$150 million for marine debris, assessment, prevention, mitigation, and removal; \$400 million for restoring fish passage by removing in-stream barriers and providing technical assistance in support of habitat restoration projects; and \$20 million for consultations and permitting related to the ESA, the Marine Mammal Protection Act (16 U.S.C. §§1361-1423h), and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. §1855(b)), among other uses. These funds were appropriated from FY2022 through FY2026. The IRA also provided NOAA with funding for activities that may benefit ESA-listed and non-ESA-listed species, including funding through “direct expenditure, contracts, grants, cooperative agreements, or technical assistance” to nonfederal entities for conservation, restoration, and protection of coastal and marine habitats, resources, Pacific salmon, and other marine fisheries; for marine fishery and marine mammal stock assessments; and for other purposes. In total, Congress appropriated \$2.6 billion to NOAA through the IRA in support of the agency’s oceanic and atmospheric mission from FY2022 through FY2026.

³⁰ NOAA, “Biden-Harris Administration announces historic \$82 million for endangered North Atlantic right whales as part of Investing in America agenda,” press release, <https://www.noaa.gov/news-release/historic-82-million-for-critically-endangered-north-atlantic-right-whales>.

Pacific salmon and steelhead trout;³¹ consultations and permitting related to ESA;³² and fish passage improvement, which may benefit ESA-listed fish populations by removing in-stream barriers.³³ Because IIJA and IRA appropriations supported ESA- and non-ESA-related activities, cumulative ESA-related funding amounts provided through the IIJA and IRA also are not readily calculable. The FY2025 reconciliation law (P.L. 119-21) rescinded unobligated balances of amounts made available to NOAA under the IRA.³⁴

Table 2 also includes funding amounts Congress appropriated to the PCSRF. The PCSRF supports West Coast Pacific salmon recovery efforts by providing grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska and to federally recognized Tribes of the Columbia River and Pacific Coast.³⁵ Recipients can use grants for conservation of salmon and steelhead populations that are listed or at risk of being listed as threatened or endangered. Funding from both the IIJA and IRA has also supported PCSRF projects since FY2022. However, values in **Table 2** reflect only estimates from regular discretionary appropriations.

Table 2. Enacted NMFS Annual Discretionary Appropriations for ESA-related Activities (FY2017-FY2026)

Thousands of nominal and real (January 2026 USD) dollars

Year	Appropriated Amounts (Nominal USD)		Appropriated Amounts (Real USD)	
	Estimated ESA Appropriations ^a	PCSRF ^b	Estimated ESA Appropriations	PCSRF
FY2017	\$146,160.0	\$65,000.0	\$196,661.7	\$87,459.0
FY2018	\$148,727.0	\$65,000.0	\$196,112.7	\$85,709.6
FY2019	\$153,500.0	\$65,000.0	\$197,426.4	\$83,600.8
FY2020	\$156,800.0	\$65,000.0	\$198,174.9	\$82,151.6
FY2021	\$162,200.0	\$65,000.0	\$202,604.9	\$81,191.8
FY2022	\$182,200.0	\$65,000.0	\$214,256.2	\$76,436.1
FY2023	\$211,500.0	\$65,000.0	\$230,832.3	\$70,941.4
FY2024	\$216,100.0	\$65,000.0	\$228,448.4	\$68,714.2
FY2025	\$214,000.0	\$65,000.0	\$220,500.1	\$66,974.3
FY2026	N/A	\$65,000.0	N/A	—

³¹ NOAA, NMFS, “Biden-Harris Administration Announces \$60 million for Columbia River Basin Hatcheries as part of Investing in America agenda,” press release, <https://www.fisheries.noaa.gov/media-release/biden-harris-administration-announces-60-million-columbia-river-basin-hatcheries-part>; NOAA, NMFS, “Biden-Harris Administration Announces \$60 Million to Advance Tribal Priorities and Address Climate Change Impacts on Pacific Salmon and Steelhead in the Columbia River,” press release, <https://www.fisheries.noaa.gov/media-release/biden-harris-administration-announces-60-million-advance-tribal-priorities-and-address>.

³² The IIJA states, “(13) \$20,000,000 shall be for consultations and permitting related to the Endangered Species Act, the Marine Mammal Protection Act, and Essential Fish Habitat.”

³³ NOAA, NMFS, “Habitat Restoration Under the Bipartisan Infrastructure Law and Inflation Reduction Act,” <https://www.fisheries.noaa.gov/national/habitat-conservation/habitat-restoration-under-bipartisan-infrastructure-law-and-inflation-reduction-act>.

³⁴ P.L. 119-21, §40008 (139 Stat. 136). At this time, it is unclear how much funding was rescinded.

³⁵ 16 U.S.C. §3645(d)(2).

Sources: CRS. Data compiled from National Oceanic and Atmospheric Administration (NOAA) Budget Office, email to CRS, September 19, 2018; NOAA Office of Legislative and Intergovernmental Affairs, emails to CRS, May 23, 2024, June 24, 2024, and June 11, 2026; and appropriations laws and reports for FY2017 to FY2026.

Notes: PCSRF = Pacific Coastal Salmon Recovery Fund. Nominal appropriated dollar values were adjusted to January 2026 USD using Consumer Price Index data and the gross domestic product deflator.

- a. The figures presented here are an estimation of appropriations for Endangered Species Act (16 U.S.C. §§1531-1544) implementation activities by the National Marine Fisheries Service, which do not include PCSRF funds. According to NOAA, the PCSRF is covered under other authorizations.
- b. PCSRF is an appropriations account and is specified for in the annual appropriations legislation.

Issues for Congress

Congress may consider several issues related to funding ESA implementation. Some issues might include whether (1) staffing levels at FWS and NOAA are sufficient to implement the ESA; (2) funding provided to FWS and NOAA is sufficient to conserve and recover listed species under the ESA; and (3) additional oversight over the economic costs of ESA to federal agencies and nonfederal stakeholders may be warranted.

Staffing to Implement the ESA

Implementation of the ESA requires staff at FWS and NMFS to conduct activities such as evaluating species for listing and delisting, designating critical habitat, conducting Section 7 and Section 10 consultations,³⁶ implementing recovery plans for listed species, and developing protective regulations, among other things. In a report to Congress in 2023, FWS contended that more staff were needed to expedite consultations and listing decisions.³⁷

In 2025, the Trump Administration undertook a variety of initiatives to reorganize federal agencies (including DOI) and reduce the size of the federal workforce.³⁸ According to data from the Office of Personnel Management (OPM), FWS reported a net reduction (accounting for new

³⁶ Section 7 of the ESA requires federal agencies to ensure their discretionary actions, or the actions of nonfederal parties granted approvals, permits, or funding by federal agencies, are “not likely to jeopardize the continued existence” of any endangered or threatened species or “adversely modify critical habitat.” Federal agencies undertaking actions, whether directly or through federal approvals, permits, or funding for nonfederal parties, must consult with FWS or NMFS, as appropriate, if those actions might affect a listed species or designated critical habitat. Section 10 of the ESA authorizes the Secretary to issue a permit to exempt certain actions from ESA prohibitions. Eligible actions include taking species for scientific purposes, enhancing the survival of listed species, and incidental taking of listed species during otherwise lawful actions. For more information, see CRS Report R46677, *The Endangered Species Act: Overview and Implementation*, by Pervaze A. Sheikh and Erin H. Ward.

³⁷ FWS, *Review of the ESA Interagency Section 7 Consultation Process and Recommendations for Improving the Process*, Report to Congress, March 29, 2023, p. 5, https://naturalresources.house.gov/uploadedfiles/fws_sect.7_report.3.29.2023.pdf.

³⁸ The White House, “Implementing The President’s ‘Department of Government Efficiency’ Workforce Optimization Initiative,” February 11, 2025, <https://www.whitehouse.gov/presidential-actions/2025/02/implementing-the-presidents-department-of-government-efficiency-workforce-optimization-initiative/>; Office of Management and Budget (OMB), “Guidance on Agency RIF and Reorganization Plans Requested by Implementing the President’s ‘Department of Government Efficiency’ Workforce Optimization Initiative,” February 26, 2025, <https://www.opm.gov/chcoc/latest-memos/guidance-on-agency-rif-and-reorganization-plans-requested-by-implementing-the-president-s-department-of-government-efficiency-workforce-optimization-initiative.pdf>.

hires) of 1,538 employees from January 2025 to February 2026.³⁹ Data for the same time period also show a net reduction for NOAA of 2,473 employees across its various line offices.⁴⁰

Some Members and stakeholders have expressed concern regarding these workforce reductions.⁴¹ In particular, some Members have argued that the number of staff available now at FWS and NMFS is insufficient to conduct activities that are required under the ESA.⁴² According to some stakeholders, staff reductions will increase the existing agency backlog of issuing findings for listings and processing permits under Section 7 (i.e., consultation) and Section 10 of the ESA.⁴³ (For example, one hearing witness noted that the FWS Ecological Services program has lost 25% of its staff since January 2025.)⁴⁴ In contrast, some Members support actions to restructure the federal workforce generally and have introduced legislation in furtherance of this objective.⁴⁵ In the FY2026 Interior, Environment, and Related Agencies appropriations law, Congress directed FWS to maintain staffing levels in order to fulfill the agency's statutory responsibilities and implement programs in a timely manner.⁴⁶

For FY2027, FWS proposed to continue to restructure the agency's workforce by reducing total employee count from the FY2026 enacted level of 6,513 to 5,861 (a reduction of approximately 10%).⁴⁷ For FY2027, NOAA proposed a reduction in ORF-funded personnel from the FY2026 enacted level of 10,629 to 9,140 (a reduction of approximately 14%) and a removal of 2 full-time equivalents (FTEs) for the PCSRF.⁴⁸ NOAA also proposed consolidating ESA and Marine Mammal Protection Act activities currently administered by the NMFS Office of Protected

³⁹ Office of Personnel Management (OPM), "Workforce Changes - Separations and Accessions since January 20, 2025," (data current through February 2026), accessed April 16, 2026, <https://data.opm.gov/explore-data/analytics/workforce-changes>. Hereinafter OPM, "Separations and Accessions since January 20, 2025."

⁴⁰ OPM, "Separations and Accessions since January 20, 2025."

⁴¹ See, as examples, Sen. Sheldon Whitehouse, "Reed & Whitehouse Warn Against Trump's Fish & Wildlife Service Staff Cuts," press release (December 19, 2025), <https://www.whitehouse.senate.gov/news/release/reed-whitehouse-warn-against-trumps-fish-wildlife-service-staff-cuts/>; and Nathan Strout, "Conservation Group Provides Details on Jobs Lost in Trump's NOAA Fisheries Firings," *Seafood Source*, October 10, 2025.

⁴² U.S. Congress, Senate Environment and Public Works Committee, Fisheries, Wildlife, and Water Subcommittee, *Hearing Examining the Challenges and Opportunities with Implementing the Endangered Species Act*, 119th Cong., 2nd sess., March 18, 2026. Hereinafter, Senate EPW Committee, *Challenges and Opportunities with Implementing the Endangered Species Act*; and U.S. Congress, Senate Committee on Appropriations, *Department of the Interior, Environment, and Related Agencies Appropriations Bill, 2026*, report to accompany S. 2431, 119th Cong., 1st sess., S.Rept. 119-46, July 24, 2025. The report states (on p. 25), "[t]he Committee continues to be concerned regarding the timing of processing Endangered Species Act Section 7 consultation requests, including in West Virginia, North Dakota, and elsewhere. While the Committee recognizes the [FWS] is working to clear the backlog, the [FWS] is directed to report to the Committee within 90 days of enactment of this act on the existing backlog, including the number of outstanding requests and relevant staff per State. The Committee is concerned about current staffing levels at the [FWS] and their ability to prioritize. The Committee also directs the [FWS] to direct additional staff and other resources to States with the most significant backlogs in order to reduce the response times for these consultations."

⁴³ Taylor Mills, "Deep Staffing Cuts Spark Concerns Over Endangered Species Delays," *Bloomberg Law*, August 28, 2025, <https://news.bloomberglaw.com/environment-and-energy/deep-staffing-cuts-spark-concerns-over-endangered-species-delays>.

⁴⁴ Testimony of Jake Li, Defenders of Wildlife, Senate EPW Committee, *Challenges and Opportunities with Implementing the Endangered Species Act*.

⁴⁵ For example, see S. 295 (119th Congress).

⁴⁶ P.L. 119-74, Division C, 140 Stat. 99.

⁴⁷ FWS, *Budget Justifications and Performance Information Fiscal Year 2027*, p. 258, <https://www.fws.gov/sites/default/files/documents/2026-04/fy2027greenbookfws.pdf>; CRS In Focus IF13203, *U.S. Fish and Wildlife Service: FY2027 Budget Request*, by Eric P. Nardi.

⁴⁸ NOAA, *Budget Estimates Fiscal Year 2027*, April 2026, pp. ORF-3 and NMFS-12, <https://www.noaa.gov/sites/default/files/2026-04/FY2027-NOAA-CJ-Submission.pdf>.

Resources (OPR) and shifting them to FWS, including an associated proposed removal of more than 400 FTEs in OPR for FY2027.⁴⁹ Some organizations have estimated that such a consolidation would lead to the net elimination of over 200 staff positions.⁵⁰

Congress could also consider prioritizing activities that could achieve congressional goals for implementing the ESA with fewer staff. For example, one stakeholder noted that investing in the FWS Information for Planning and Consultation (IPaC) platform, the online tool that streamlines consultations under Section 7 of the ESA, will save time and effort for FWS staff and permittees.⁵¹ FWS developed IPaC to provide a list of listed species and critical habitat that overlap with a proposed project and to streamline decisions on whether consultation under Section 7 of the ESA is needed.

Congress could consider whether some responsibilities for implementing the ESA should be transferred to and funded by states.⁵² Some stakeholders contend that states should have greater responsibility for managing and recovering species listed under the ESA.⁵³ They argue that state agencies have greater knowledge and expertise of how to manage and conserve species, among other factors. Other stakeholders assert that state management of listed species might not be consistent with federal standards and/or might lack funding, to the possible detriment of some listed species.⁵⁴ In the 119th Congress, for example, H.R. 1897 (reported by the House Natural Resources Committee) would amend the regulatory framework for threatened species to give the states more opportunities to manage such species.

Funding for Conservation and Recovery of Listed Species Under the ESA

The ESA provides that all federal agencies shall seek to conserve threatened and endangered species, use their authorities in furtherance of the ESA, and cooperate with state and local agencies to resolve water resource issues in concert with conserving endangered species.⁵⁵ The ESA also aims to conserve and recover listed species by directing FWS and NMFS to develop recovery plans for the conservation and survival of listed species.⁵⁶ Some in Congress contend that the ESA has not achieved its recovery goals and advocate for focusing ESA efforts on recovering listed species.⁵⁷ Other stakeholders argue that Congress should appropriate additional

⁴⁹ NOAA, *Budget Estimates Fiscal Year 2027*, April 2026, pp. NMFS-16 to NMFS-34, <https://www.noaa.gov/sites/default/files/2026-04/FY2027-NOAA-CJ-Submission.pdf>.

⁵⁰ For example, Oceana, “Trump Administration, House Republicans Propose to Further Slash NOAA Budget,” <https://usa.oceana.org/press-releases/trump-administration-house-republicans-propose-to-further-slash-noaa-budget/>.

⁵¹ Testimony of Jake Li, Senate EPW Committee, *Challenges and Opportunities with Implementing the Endangered Species Act*. According to this source, IPaC has already saved the equivalent of 37 full time employees annually; and FWS, “IPaC Information for Planning and Consultation,” <https://ipac.ecosphere.fws.gov/>.

⁵² For information on states involvement in the ESA see, CRS In Focus IF13004, *The Role of the States Under the Endangered Species Act (ESA)*, by Erin H. Ward and Pervaze A. Sheikh.

⁵³ Some Members have considered whether states might play a larger role in ESA implementation. For example, see Heather Olinger, “Capito Questions Witnesses on Endangered Species Act Implementation, State Role in Protections,” press release, March 18, 2026, <https://www.capito.senate.gov/news/in-the-news/capito-questions-witnesses-on-endangered-species-act-implementation-state-role-in-protections>.

⁵⁴ For example, see Stephanie Kurose et al., *Unready and Ill-equipped: How State Laws and State Funding Are Inadequate to Recover America’s Endangered Species*, Center for Biological Diversity Action Fund, February 2019, <https://centeractionfund.org/wp-content/uploads/CBD-AF-Unready-and-Ill-equipped-State-ESA-Laws.pdf>.

⁵⁵ 16 U.S.C. §1531(c).

⁵⁶ 16 U.S.C. §1533(f)1.

⁵⁷ Opening Statement of Chairman Pete Ricketts, Senate EPW Committee, *Challenges and Opportunities with Implementing the Endangered Species Act*.

funds for recovery because FWS base funding “barely cover[s] salaries and operating costs.”⁵⁸ Further, they assert that nearly 30% of recovery actions are not being actively worked on due to a lack of funding.⁵⁹ While acknowledging low recovery rates, some other stakeholders argue that the ESA’s effectiveness is shown by less than 1% of listed species going extinct.⁶⁰ Additionally, some stakeholders have questioned the ESA’s effectiveness in its current form, given low numbers of delisted species since its enactment, and point to limited federal appropriations as one impediment for recovery and delisting.⁶¹

There are several pathways for Congress to provide appropriations to support the conservation of listed species under the ESA, if it chooses to do so. The ESA authorizes grant programs and funding to support the conservation and recovery of species. The ESA also authorizes the use of federal financial assistance to help states and other interested parties develop and maintain conservation programs.⁶² Conservation and recovery of listed species is also addressed by federal programs and activities. For example, large-scale ecosystem restoration initiatives in regions such as the Florida Everglades, Lower Colorado River, and Platte River aid in the conservation of some listed species. Congress could consider if the level of appropriations for supporting the conservation and recovery of species is adequate to meet the ESA’s objectives. Further, Congress might evaluate whether certain programs or activities under the ESA should receive greater or fewer appropriations. For example, Congress might consider additional funding to implement recovery actions to support listed species, such as creating recovery plans, eradicating invasive species, restoring habitat, or reintroducing species into their former habitats. Alternatively, under amounts currently appropriated, Congress could direct the agencies to prioritize funding for some actions more than others, either through legislative language accompanying appropriations laws or by amending the ESA directly.

Congress can also consider funding the conservation of foreign species listed under the ESA through international conservation programs administered by the U.S. Department of State and FWS. For example, Congress may consider funding for the conservation of listed species supported by the Multinational Species Conservation Fund.⁶³ Further, Congress may consider appropriations for the U.S. Foundation for International Conservation, which aims to provide grants for managing conserved areas in countries with high biodiversity and high-value ecosystems; administer and leverage private-sector funds for managing conservation; identify and support conservation projects; and coordinate with various stakeholders (e.g., Indigenous peoples,

⁵⁸ Testimony of Jake Li, Senate EPW Committee, *Challenges and Opportunities with Implementing the Endangered Species Act*; “Conservation Groups Urge Congress To Increase Funding For Endangered Species,” *National Parks Traveler*, April 9, 2026, <https://www.nationalparkstraveler.org/2026/04/conservation-groups-urge-congress-increase-funding-endangered-species>.

⁵⁹ Recovery actions are actions identified in recovery plans as necessary to achieve recovery criteria. Testimony of Jake Li, Senate EPW Committee, *Hearing Examining the Challenges and Opportunities with Implementing the Endangered Species Act*; FWS, “Recovery Planning: The 3-Part Recovery Planning Framework,” <https://www.fws.gov/project/recovery-planning-3-part-recovery-planning-framework>.

⁶⁰ World Wildlife Fund, “The U.S. Endangered Species Act: Protecting At-Risk Animals and Plants from Extinction,” <https://www.worldwildlife.org/our-work/policy/legislation/the-us-endangered-species-act/>.

⁶¹ Erich K. Eberhard et al., “Too Few, Too Late: U.S. Endangered Species Act Undermined by Inaction and Inadequate Funding,” *PLoS ONE*, vol. 17, no. 10 (2022), pp. 1-7.

⁶² This assistance is provided through Recovery Challenge Grants administered by FWS. These grants are for nonfederal entities that implement recovery actions, as listed in recovery plans, for endangered and threatened species. FWS, “Recovery Challenge Grants,” <https://www.fws.gov/service/recovery-challenge-grants>.

⁶³ The Multinational Species Conservation Fund (MSCF) issues grants to conserve certain species, including African and Asian elephants, rhinoceroses, tigers, great apes, tortoises, freshwater turtles, and marine turtles. For authorizing statutes associated with the MSCF see, FWS, *Budget Justifications and Performance Information Fiscal Year 2027*, p. 195.

local communities, governments) to implement conservation.⁶⁴ Congress might also consider supporting conservation activities that directly benefit specific foreign species listed under the ESA. For example, some advocates contend that trophy hunting could be a driver for increasing biodiversity and habitat conservation within the United States and range countries (i.e., the country or countries where a species naturally lives, migrates, or breeds). In Africa, proponents of hunting suggest that managed hunting grounds protect animals from poaching.⁶⁵ Some critics of trophy hunting suggest that hunting grounds do not ensure that threatened or endangered animal populations will rebound from low levels and that funding from hunting does not result in conservation.⁶⁶ Congress may also examine the degree to which nation-centric conservation approaches by non-U.S. nations may assist with conserving foreign ESA-listed species and any potential benefits or limitations of such approaches.

Oversight of the Economic Costs of Listing Species

Congress might consider oversight of the economic costs of listing a species under the ESA, whether the costs should be addressed by the federal government, and if so to what extent. The ESA mandates reporting of some costs associated with conserving listed species.⁶⁷ Specifically, the law directs the Secretary of the Interior, acting through FWS, to report federal expenditures made primarily for the conservation of endangered or threatened species pursuant to the ESA and expenditures made primarily for the conservation of endangered or threatened species by states receiving grants under Section 6.⁶⁸ Several stakeholders contend that the economic costs of listing a species should also be calculated and reported.⁶⁹ Others contend that listing a species under the ESA should be based *solely* on the best available science.⁷⁰ They argue that if costs were calculated during the listing process, an agency could use those cost estimates to bias the decision to list or delist a species under the ESA. Economic costs are considered for implementing other activities and actions under the ESA. For example, the law authorizes the agencies to consider the economic factors of designating critical habitat, developing recovery plans, and granting exemptions.⁷¹

If FWS, NMFS, or another entity calculated the full economic costs of listed species, these data could allow managers to allocate resources to species where recovery is most cost-effective or where the economic benefit to society is highest. Further, understanding the costs of listed species might lead to more informed discourse on how to manage species and might incentivize stakeholders to engage in conservation partnerships with federal and state governments to promote recovery. On the other hand, including economic costs could change the decisionmaking process on listing and delisting species from one currently solely based on science to a process including science and economic costs. For example, some might argue that species requiring

⁶⁴ For more details, see CRS In Focus IF13085, *U.S. Foundation for International Conservation*, by Pervaze A. Sheikh.

⁶⁵ Enrico Di Minin et al., “Banning Trophy Hunting Will Exacerbate Biodiversity Loss,” *Trends in Ecology & Evolution*, vol. 31, no. 2 (2016), pp. 99-102.

⁶⁶ Andrew J. Loveridge et al., “Does Sport Hunting Benefit Conservation?” in *Key Topics in Conservation Biology*, eds. David Macdonald and Katrina Service (Oxford: Blackwell, 2006), pp. 222-238.

⁶⁷ 16 U.S.C. §1544.

⁶⁸ 16 U.S.C. §1544. These expenditures are to be reported on a species-by-species basis.

⁶⁹ For example, Robert Gordon, Competitive Enterprise Institute, “‘Whatever the Cost’ of the Endangered Species Act, It’s Huge,” August 21, 2018, <https://cei.org/studies/whatever-the-cost-of-the-endangered-species-act-its-huge/>.

⁷⁰ For example, see American Fisheries Society, “Proposed Rule Would Undermine Science-based Endangered Species Act,” December 23, 2025, <https://fisheries.org/2025/12/proposed-rule-would-undermine-science-based-endangered-species-act/>.

⁷¹ As examples, 16 U.S.C. §§1533(b)(2), and 1539(b).

higher costs for habitat protection would be less likely to receive protection under the ESA compared to species with lower costs for habitat protection.

Congress might also consider oversight on methods for calculating the costs of listing species. Economic costs could include costs for conservation and recovery as well as lost opportunity costs (i.e., costs due to restrictions on property use).⁷² Opportunity costs can be difficult to quantify given the wide range of variables and potential approaches.⁷³ Some stakeholders might contend that a full economic analysis of listed species also should include the economic *benefits* of listing, not only the costs. This type of analysis could be challenging, however, because benefits might include ecosystem services with nonmarket values, some of which may not be readily calculable.⁷⁴

Congress might consider policies for the federal government to reduce the economic costs of listed species. This could be achieved by supporting programs that aid in the conservation of species or their habitat before or after they are listed and reducing the costs of compliance under the ESA. For example, Congress could consider funding for agricultural conservation programs that focus on retiring environmentally beneficial cropland and restoring it for the conservation of listed species. The U.S. Department of Agriculture reports that the Conservation Reserve Program restored lands (e.g., native grasslands and restored wetlands and forests) for several listed species, such as the Indiana bat.⁷⁵ Congress might also consider authorizing and funding habitat conservation banks for listed species.⁷⁶ A conservation bank is a permanently managed site where habitat for listed species is restored or conserved. Developers can buy credits from these banks to offset impacts to species habitat from their activities, in some cases to satisfy conservation measures required by Section 7 consultation under the ESA.⁷⁷

⁷² Opportunity costs are the costs of foregone desired opportunities due to restrictions on the use of property because of prohibitions related to listed species, designation of critical habitat, and recovery plans. See also Rebecca Epanchin-Niell and James Boyd, “Private-Sector Conservation Under the U.S. Endangered Species Act: A Return-on-Investment Perspective,” *Frontiers in Ecology and the Environment*, vol. 18, no. 7 (2020), pp. 409-416.

⁷³ Jason F. Shogren and Patricia H. Hayward, “Biological Effectiveness and Economic Impacts of the Endangered Species Act,” *Land and Water Review*, vol. 32, no. 2 (1997), pp. 8-12; Christian Langpap et al., “The Economics of the Endangered Species Act: A Review of Recent Developments,” *Review of Environmental Economics and Policy*, vol. 12, no. 1 (2018), pp. 69-91; Seong-Hoon Cho et al., “Understanding How Opportunity Cost Affects Multi-Objective Conservation Investment in the Central and Southern Appalachian Region (USA),” *Environmental Conservation*, vol. 48, no. 3 (2021), pp. 192-199.

⁷⁴ For example, cultural services that ecosystems provide (including aesthetic experiences and spiritual enrichment) are particularly challenging to quantify. Aurora Fredriksen, “Valuing Species: The Continuities Between Non-Market and Market Valuations in Biodiversity Conservation,” *Valuation Studies*, vol. 5, no. 1 (2017), pp. 39-59; N. Small et al., “The Challenge of Valuing Ecosystem Services That Have No Material Benefits,” *Global Environmental Change*, vol. 44 (2017), pp. 57-67; NOAA, “Quick Reference: Measuring the Value of Ecosystem Services,” April 2019, <https://coast.noaa.gov/data/digitalcoast/pdf/measuring-value-ecosystem-services.pdf>.

⁷⁵ U.S. Department of Agriculture, Farm Service Agency (FSA), “Conservation Reserve Program,” <https://www.fsa.usda.gov/resources/conservation/conservation-reserve-program>; FSA, “Indiana Bat and Northern Long-eared Bat SAFE: State Acres for Wildlife Enhancement,” fact sheet, May 2023, https://www.fsa.usda.gov/sites/default/files/documents/202303_fsa_in_ibnlb_safe_factsheet_web.pdf.

⁷⁶ Maria Jose Carreras Gamarra and Theodore P. Toombs, “Thirty years of species conservation banking in the U.S.: Comparing policy to practice,” *Biological Conservation*, vol. 214 (October 2017), pp. 6-12; Christopher S. Mills, “Incentives and the ESA: Can Conservation Banking Live Up to Potential,” *Duke Environmental Law & Policy Forum*, vol. 14, no. 2 (2004), pp. 523-561.

⁷⁷ FWS, “ESA Basics: 40 Years of Conserving Endangered Species,” fact sheet, February 2017, p. 2, <https://www.fws.gov/sites/default/files/documents/endangered-species-act-basics.pdf>.

Author Information

Eric P. Nardi
Analyst in Natural Resources Policy

Pervaze A. Sheikh
Specialist in Natural Resources Policy

Anthony R. Marshak
Analyst in Natural Resources Policy

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