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**Senate passes two resolutions overturning Biden endangered species protections**

BY [ZACK BUDRYK](https://thehill.com/author/zack-budryk/) - 05/11/23 1:47 PM ET

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The U.S. Senate passed two Congressional Review Act (CRA) resolutions Thursday undoing Biden-administration rules regarding the Endangered Species Act (ESA).

In a 51-49 vote, the chamber passed a resolution sponsored by Sen. [Cynthia Lummis](https://thehill.com/people/cynthia-lummis/)(R-Wyo.), rescinding a Biden regulation expanding the ESA’s definition of a species’s critical habitat. The Trump administration had tightened the definition to areas that could currently support an endangered species, rather than those that might support it at a later date.

Every Republican voted for the resolution, along with Sen. [Joe Manchin](https://thehill.com/people/joe-manchin/)(D-W.Va.), who has frequently voted with Republicans on environmental CRA resolutions, and Sen. [Angus King](https://thehill.com/people/angus-king/)(I-Maine).

The second resolution, which also passed 51-49, overturns federal protections for the northern long-eared bat, which is under threat predominantly due to white-nose syndrome, an illness affecting hibernating bats. Manchin again joined all Republicans, along with Sen. [Amy Klobuchar](https://thehill.com/people/amy-klobuchar/)(D-Minn.) Sen. [Markwayne Mullin](https://thehill.com/people/markwayne-mullin/)(R-Okla.) sponsored the second resolution.

The Hill has reached out to the office of House Majority Leader [Steve Scalise](https://thehill.com/people/steve-scalise/)(R-La.) for clarification on when the Republican-majority House will take up the resolutions.

[President Biden](https://thehill.com/people/joe-biden/)has vowed to veto both resolutions should they pass the House.

“The designation of critical habitat, which only directly affects federal agency actions and federally funded or permitted activities, is essential to avoiding the destruction or degradation of habitat that threatened and endangered species need to survive and recover,” the White House said of the first resolution.

The resolution, he added, “would severely limit the ability of the Services to identify and designate, based upon the best available science and consideration of other relevant impacts, all the areas that are necessary to the survival and recovery of a particular species now and in the future.”

The second resolution, he said, “would undermine America’s proud wildlife conservation traditions and risk extinction of the species.”

The votes alarmed conservation groups, which noted the atypicality of the use of the CRA to address ESA regulations.

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“Unprecedented is really the word that comes to mind,” Robert Dewey, vice president for government relations at Defenders of Wildlife, told the Hill. “Over the years, the use of the CRA has been used to review a limited number of regulatory actions but has never previously been used on the Endangered Species Act.”

Just last week, Dewey noted, the Senate also passed a resolution to override protections for the lesser prairie chicken, which he called part of a “broader, disturbing trend” to apply politics to what is typically a scientific decision-making process.

“The Endangered Species Act historically has been a strongly bipartisan law and yet, it’s just unfortunate that we’ve seen this politicization and polarization,” he said. “[Congress] should really be listening to their constituents because the Endangered Species Act is overwhelmingly popular with the American public.”

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