

## Summary of the Endangered Species Act

### Text directly from the FWS website

#### The Purpose of the Endangered Species Act

When Congress passed the Endangered Species Act (ESA) in 1973, it recognized that our rich natural heritage is of "esthetic, ecological, educational, recreational, and scientific value to our Nation and its people." It further expressed concern that many of our nation's native plants and animals were in danger of becoming extinct.

The purpose of the ESA is to protect and recover imperiled species and the ecosystems upon which they depend. It is administered by the U.S. Fish and Wildlife Service and the Commerce Department's National Marine Fisheries Service (NMFS). The FWS has primary responsibility for terrestrial and freshwater organisms, while the responsibilities of NMFS are mainly marine wildlife such as whales and anadromous fish such as salmon.

Under the ESA, species may be listed as either endangered or threatened. "Endangered" means a species is in danger of extinction throughout all or a significant portion of its range. "Threatened" means a species is likely to become endangered within the foreseeable future. All species of plants and animals, except pest insects, are eligible for listing as endangered or threatened. For the purposes of the ESA, Congress defined species to include subspecies, varieties, and, for vertebrates, distinct population segments.

<http://www.fws.gov/endangered/laws-policies/index.html>

#### How are Species Listed?

Section 4 of the ESA requires species to be listed as endangered or threatened solely on the basis of their biological status and threats to their existence. When evaluating a species for listing, the FWS considers five factors: 1) damage to, or destruction of, a species' habitat; 2) overutilization of the species for commercial, recreational, scientific, or educational purposes; 3) disease or predation; 4) inadequacy of existing protection; and 5) other natural or manmade factors that affect the continued existence of the species. When one or more of these factors imperils the survival of a species, the FWS takes action to protect it. The Fish and Wildlife Service is required to base its listing decisions on the best scientific information available. [http://www.fws.gov/endangered/esa-library/pdf/ESA\\_basics.pdf](http://www.fws.gov/endangered/esa-library/pdf/ESA_basics.pdf)

#### International Species

The ESA also implements U.S. participation in the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), a 175-nation agreement designed to prevent species from becoming endangered or extinct due to international trade. Except as allowed by permit, CITES prohibits importing or exporting species listed on its three appendices. A species may require a permit under the ESA, CITES, or both.

[http://www.fws.gov/endangered/esa-library/pdf/ESA\\_basics.pdf](http://www.fws.gov/endangered/esa-library/pdf/ESA_basics.pdf)

The Branch of Foreign Species (BFS), like the domestic listing side of the Endangered Species Program, determines the status of foreign species and whether they should be added to the Federal list of threatened and endangered wildlife and plants and receive protections provided by the Endangered Species Act of 1973, as amended. The BFS also assesses foreign species already listed as threatened or endangered to determine whether they should be reclassified from threatened to endangered, reclassified from endangered to threatened, or removed from the list (delisted).

#### Why List Foreign Species?

The Endangered Species Act (ESA) requires the Service to list species as endangered or threatened regardless of which country the species lives in. Benefits to the species include [prohibitions](#) on certain activities including import, export, take, commercial activity, interstate commerce, and foreign commerce. By regulating activities, the United States ensures that people under the jurisdiction of the United States do not contribute to the further decline of listed species. Although the ESA's prohibitions regarding listed species apply only to people subject to the jurisdiction of the United States, the ESA can generate conservation benefits such as increased awareness of listed species, research efforts to address conservation needs, or funding for in-situ conservation of the species in its range countries. The ESA also provides for limited financial assistance to develop and manage programs to conserve listed species in foreign countries, encourages conservation programs for such species, and allows for assistance for programs, such as personnel and training. <http://www.fws.gov/endangered/what-we-do/international-activities.html>

## What activities does the ESA prohibit?

Except by regulation or permit issued for specific purposes consistent with the ESA, it is unlawful for any person subject to the jurisdiction of the U.S. to:

- Import into and export from the U.S. listed species.
- Take—which includes harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, collecting, or to attempting any of these—of listed species within the U.S., its territorial waters, or on the high seas.
- Possess, sell, deliver, carry, transport, or ship listed species taken in violation of the ESA.
- Sell or offer for sale in interstate or foreign commerce; or deliver, receive carry, transport, or ship listed species in interstate or foreign commerce in the course of commercial activity.

**In addition to the Endangered Species Program, does the Service have other programs that deal with international species? *Note that the links to these programs do not work, these programs no longer exist.***

Yes. Foreign endangered species are primarily managed under the International Affairs Program, which includes the following: [Wildlife Without Borders \(WWB\) Program: Division of International Conservation](#)

- WWB promotes, facilitates and supports vital conservation efforts across the globe. The primary tool for achieving this is through empowering local people by building their appreciation for and capacity to conserve wildlife. Governments, non-governmental organizations, the private sector, and communities play an instrumental role in program delivery and success. The three sub-programs of WWB—Species, Regional, and Global—supported over 1,000 conservation projects in 80 countries from 2004-2008.
- [International Wildlife Trade \(IWT\): Division of Management Authority and Division of Scientific Authority](#)
- The goal of IWT is to ensure that international trade in plant and animal species is sustainable and based on sound biological understanding and principles. This is accomplished through the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) as well as various U.S. laws. In response to ever-increasing pressures of wildlife trade and habitat loss on species worldwide, these offices dedicate their efforts to conserving species at risk from over-exploitation for trade and implementing policies that have a broad impact on wildlife conservation overall.
- [Office of Law Enforcement Wildlife Inspection Program](#)
- The Service's wildlife inspectors are the Nation's front-line defense against the illegal wildlife trade—a criminal enterprise that threatens species worldwide. These professional import-export control officers ensure that wildlife shipments comply with U. S. and international wildlife protection laws.
- Stationed at the Nation's major international airports, ocean ports, and border crossings, wildlife inspectors monitor an annual trade worth more than \$1 billion. They stop illegal shipments, intercept smuggled wildlife and wildlife products, and help the U.S. fulfill its commitment to global wildlife conservation.

## What is the difference between listing a species under the CITES and under the Endangered Species Act?

CITES is a multinational agreement through which countries work together to ensure that international trade in CITES-listed species is legal and not detrimental to the survival of the species in the wild. To ensure sustainable use, Parties (member Nations to CITES) regulate and monitor international trade in CITES-listed species—that is, their import, export, and re-export—through a system of permits and certificates. CITES lists species in one of three appendices—Appendix I, II, or III.

- Species listings under CITES and the ESA involve different processes and standards. Listing a species in Appendix I or II requires a two-thirds majority vote of the CITES parties that the species meets the CITES listing criteria, including whether it is affected by trade or may be so affected. Listing a species under the ESA is done through a U.S. public rulemaking process based on ESA listing criteria.
- A species may be listed under CITES or the ESA or both. There is no direct correlation between the way a species is listed under CITES and the way it is listed under the ESA. A species listing of CITES Appendix I and II is not the same as an ESA listing of endangered or threatened. For examples, the Asiatic black bear is listed in Appendix I of CITES, but is not listed under the ESA, and the African wild dog is listed under the ESA as endangered, but is not listed by CITES.
- To learn more about CITES, visit the International Affairs' CITES [webpage](#).

## What international cooperation has helped endangered or threatened species?

The Service does not have jurisdiction in other countries, and, therefore, cannot directly regulate activities that may be threatening these species. Conserving these species depends on the affected communities; however,

there is often a conflict between conserving a species and providing for the needs of the community. For example, as human populations expand into remote areas, natural habitat for animal species may be cleared and destroyed for agricultural purposes. As the species' range is compressed, the animals may wander into villages and damage crops. People may kill the animals to protect their crops, and people may be killed trying to fend off the animals. Also, these communities often don't have the financial or personnel resources to protect their species and habitats. Conservation actions that balance the needs of the species and the needs of the community are needed. This may involve actions such as incorporating cultural beliefs of the local community into a conservation plan, setting up protected areas, providing socio-economic planning, and educating and training the local people. For more information visit the Service's Wildlife Without Borders Program [webpage](#).

### **What are the challenges for saving these species?**

The Service is the lead federal agency for the development of international wildlife conservation grants and capacity building. The Division of International Conservation administers funds through the [Wildlife Without Borders-Species Programs](#), awarding grants to efforts aimed at conserving globally-valued endangered species found outside U.S. borders. The funds support surveys, monitoring, anti-poaching measures, public awareness campaigns, resolution of human-species conflict, habitat protection, conservation capacity building, and applied research. Most projects have a local or regional scope, and are performed in species range countries by diverse local and international partners.

- The [Wildlife Without Borders-Regional Programs](#) work with their region's people, non-governmental organizations, research centers, universities, and private industries to support efforts to conserve and manage biodiversity and meet some of the challenges faced with conserving foreign species.
- To learn more about these programs, projects, and other international cooperation stories, visit the following Division of International Conservation webpages:
- [Species, Regional, and Global Program Factsheets](#)
- [International Activities and Stories](#)
- [International Wildlife Conservation Edition of the Endangered Species Bulletin - Spring 2010](#) [200KB]

### **What can I do to help?**

You can donate to the [Multinational Conservation Funds](#) through the Service's Division of International Conservation. The Multinational Species Conservation Funds support the protection, conservation and management of these species and their habitats. Your donation to the Funds helps to conserve populations of elephants, tigers, rhinos, great apes, and marine turtles in their natural habitats.

- You can also join or support any conservation organization supporting endangered species abroad.

<http://www.fws.gov/endangered/what-we-do/international-stories.html#prohibition>