



February 13, 2024

The Honorable Cliff Bentz
Chair
Committee on Natural Resources
Subcommittee on Water, Wildlife and Fisheries
U.S. House of Representatives
Washington, DC 20515

The Honorable Jared Huffman
Ranking Member
Committee on Natural Resources
Subcommittee on Water, Wildlife and Fisheries
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Bentz, Ranking Member Huffman and Members of the Committee on Natural Resources Subcommittee on Water, Wildlife and Fisheries:

On behalf of Associated Builders and Contractors, a national construction industry trade association with 68 chapters representing more than 23,000 members, I write today to thank you for holding a legislative hearing on H.R. 6784, the ESA Flexibility Act.

ABC supports the ESA Flexibility Act, reintroduced by Reps. Pete Stauber, R-Minn., and Dan Newhouse, R-Wash., in the 118th Congress. Further, ABC is thankful for the subcommittee's continuation of the Western Caucus' examination of how the ESA is implemented by federal agencies and its practical impacts on the American people, how litigation is driving ESA decision-making and how success is defined under the ESA.

ABC supports the Endangered Species Act's purpose of protecting species threatened with extinction and recognizes the need for science-based, data-driven actions that conserve those species and the habitats on which they depend. ABC knows that much-needed reforms to modernize the ESA and make ESA consultations more efficient and effective will be required as the Biden administration looks to implement over \$1 trillion in federal spending for critical infrastructure, energy and technology projects throughout the country.

The ESA Flexibility Act gives the U.S. Department of the Interior and U.S. Fish and Wildlife Service additional leeway when dealing with species listed as endangered under the ESA. While these agencies are already granted flexibility with species deemed "threatened," this bill would allow for fit-for-purpose protections of "endangered" species while reducing undue regulatory burdens on development. The ESA Flexibility Act will allow for better management of species listed as endangered under the Endangered Species Act, such as the ABC-supported [delisting](#) of the northern long-eared bat.

ABC encourages the consideration of the ESA Flexibility Act and further efforts to improve and modernize the ESA to better serve our nation's communities and endangered species. ABC members stand ready for the opportunity to build and maintain America's infrastructure to the benefit of the communities that it will serve and appreciates your consideration of our concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kristen Swearingen', written in a cursive style.

Kristen Swearingen
Vice President, Legislative & Political Affairs