



## Committee on Natural Resources U.S. House of Representatives

Chairman Doc Hastings

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### Members Introduce Four Common Sense Bills to Update the Endangered Species Act

**WASHINGTON, D.C.** – House Natural Resources Committee Chairman Doc Hastings (WA-04), Rep. Cynthia Lummis (Wyoming-at large), Rep. Randy Neugebauer (TX-19), and Rep. Bill Huizenga (MI-02) today introduced four limited bills to improve and update the Endangered Species Act (ESA). The bills are supported by all of the Members of the [ESA Congressional Working Group](#), representing districts across the nation, and are based on the recommendations and findings of their [report](#) and input from a broad array of stakeholders, including the [Western Governors' Association](#). The four bills focus on transparency and species recovery.

The House Natural Resources Committee will hold a Full Committee legislative hearing on these bills on Tuesday, April 8<sup>th</sup>.

*“These are very simple, straightforward, and common sense bills and provide a good starting point as we begin the legislative process for improving the Endangered Species Act,” said Chairman Hastings. “The bills are, by design, narrowly focused and something that both Republicans and Democrats can support. Increasing transparency; posting data online; enhancing state, local, and tribal participation; and reducing taxpayer-financed attorneys fees to help direct taxpayer dollars towards recovery efforts are small, but important steps in making smart and sensible updates to the ESA.”*

- [H.R.4315](#), **21<sup>st</sup> Century Endangered Species Transparency Act (Hastings)**

*The 21<sup>st</sup> Century Endangered Species Transparency Act* would require data used by federal agencies for ESA listing decisions to be made publicly available and accessible through the Internet. The bill would allow the American people to actually see what science and data are being used to make key listing decisions.

- [H.R. 4316](#), **Endangered Species Recovery Transparency Act (Lummis)**

*The Endangered Species Recovery Transparency Act* would require the U.S. Fish and Wildlife Service to track, report to Congress, and make available online: 1) funds expended to respond to ESA lawsuits; 2) the number of employees dedicated to litigation; and 3) attorneys fees awarded in the course of ESA litigation and settlement agreements.

*“The bills we introduced today are modest steps towards improving the ESA by refocusing it on the purpose Congress always intended – conserving and recovering species. Since passage*

*of the law over 40 years ago, ESA policies have been increasingly driven by litigation, which has diverted attention and precious resources away from species recovery. Our legislation starts the reform process in part by increasing litigation transparency for public and congressional review. The stakes for species and taxpayers are too high for there not to be a full and accurate accounting of how many tax dollars are funding courtroom battles instead of species recovery. This is an outdated model, especially when compared to the effective boots-on-the-ground conservation efforts that we see every day at the state and local level,”* **said Rep. Lummis.**

- **[H.R. 4317](#), State, Tribal, and Local Species Transparency and Recovery Act (Neugebauer)**

*The State, Tribal, and Local Species Transparency and Recovery Act would require the federal government to disclose to affected states all data used prior to any ESA listing decisions and require that the “best available scientific and commercial data” used by the federal government include data provided by affected states, tribes, and local governments.*

*“When a species is listed under the Endangered Species Act, there are sweeping consequences for landowners, businesses, and communities near the habitat in question. ESA regulations are incredibly expensive, and a single listing can affect hundreds of thousands of people. So it’s crucial that the government is using the best available science to evaluate whether a listing is necessary or if other conservation efforts will be successful. My bill requires the Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) to provide states with the data they are using to justify their listing decisions, which increases transparency and the opportunity for community engagement. Additionally, it requires FWS and NMFS to consider scientific data submitted by state and local governments before making a determination. This is a common sense reform that ensures listings are open and transparent, and using the best available data about the species we hope to preserve. I’m grateful to Chairman Hastings for inviting me to be part of the ESA Working Group, and for considering this bill as part of a series of simple reforms,”* **said Rep. Neugebauer.**

- **[H.R. 4318](#), Endangered Species Litigation Reasonableness Act (Huizenga)**

*The Endangered Species Litigation Reasonableness Act would prioritize resources towards species protection by placing reasonable caps on attorneys fees and making the ESA consistent with another federal law. The Equal Access to Justice Act limits the hourly rate for prevailing attorney fees to \$125 per hour. However, no such fee cap currently exists under the ESA, and attorneys have often been awarded huge sums of taxpayer-funded money. This bill would put in place the same \$125 per hour cap on attorneys fees for suits filed under the ESA that currently exist under the Equal Access to Justice Act.*

*“In times of tight fiscal budgets and escalating national debt, taxpayer dollars should be prioritized for the protection and recovery of species. The Endangered Species Litigation Reasonableness Act makes the ESA consistent with current law by placing a \$125 cap on the hourly rate of taxpayer-funded fees that may be awarded to attorneys that prevail in ESA cases. This bill makes government more efficient and more effective, by helping focus ESA resources towards species protection and recovery instead of filling the pockets of lawyers,”* **said Rep. Huizenga.**

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