



Committee on Natural Resources U.S. House of Representatives

Chairman Doc Hastings

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Witnesses Stress Need for Increased Transparency & Species Recovery, Support Common Sense Endangered Species Act Proposals

WASHINGTON, D.C. – Today, the House Natural Resources Committee held a Full Committee [legislative hearing](#) on four straightforward bills to update the Endangered Species Act (ESA) for the 21st century and improve species recovery. 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](#). At the hearing, witnesses discussed the importance of increasing transparency of federal ESA decisions.

“There is strong support for conserving endangered species, but there are key areas where improvements could be made to make the law more effective for both species and people. Today’s bills reflect some of those recommended improvements,” said House Natural Resources Committee Chairman Doc Hastings (WA-04). “These bills provide a starting point for this Committee’s legislative efforts on the ESA. Moving forward with these simple, narrowly focused proposals would help bring needed transparency and accountability for significant federal ESA decisions that greatly impact both species and people.”

- [H.R.4315, 21st Century Endangered Species Transparency Act](#), sponsored by Chairman Hastings would require that data used by federal agencies for ESA listing decisions be made publicly available and accessible through the Internet.

[Dr. Rob Roy Ramey II, Ph.D.](#) said, *“Despite a trend of towards openness in virtually all other areas of government, many far reaching ESA listing and regulatory decisions are being made without the opportunity for independent analysis of the underlying data. The ESA is sorely in need of updating in this regard and the services are working from an outdated model. When data are not publicly accessible, legitimate scientific inquiry is effectively eliminated as no third party can independently reproduce the results. Such secrecy does not further the goal of species recovery.”*

[Tom Jankovsky, Garfield County Colorado Commissioner](#), spoke in favor of this legislation noting: *“There is a serious lack of openness and fairness (transparency) in decisions being made by state and federal agencies that are hidden behind the cloak of the*

ESA that have serious impacts on local communities. Information used by these agencies to make extraordinary decisions with enormous impacts on local communities such as is done with the ESA should be available for review and verification by those it impacts. To operate otherwise, furthers the appearance and perhaps the fact that the information is inaccurate, misleading, and erroneous, has no scientific basis, and is agenda driven by special interests.”

- **[H.R. 4316](#), *Endangered Species Recovery Transparency Act***, sponsored by Rep. Cynthia Lummis (WY-at large) would require the Administration to track and make available online the millions of taxpayer dollars being spent on ESA-related litigation to give the American people clear information about the time and resources currently used to address ESA-related lawsuits.

[Karen Budd-Falen](#), Owner/Partner Budd-Falen Law Offices LLC, Cheyenne, Wyoming, testified on the public’s right to know how much is being spent on ESA-related litigation. *“This bill does not change the citizen suit provision of the ESA to add or subtract the amount of type of litigation that can be filed; this bill does not take away any of the Department of Justice’s authority or ability to settle litigation at any point, this bill does not bypass the ‘existing legal safeguards’ ensuring that the federal government follows its procedural and legal mandates, including ensuring that deadlines are met...This bill simply requires reporting of existing ESA litigation and attorney’s fees payments to the public. It should not be a radical notion for the public to know how much is being paid by the federal government and to whom the check is written.”*

- **[H.R. 4317](#), *State, Tribal, and Local Species Transparency and Recovery Act***, sponsored by Rep. Randy Neugebauer (TX-19), would enhance state, local, and tribal involvement in ESA decisions.

[Kel Seliger \(R\)](#), Texas State Senator, discussed the important role that state and local governments can play in species conservation. *“State fish and wildlife agencies have the necessary jurisdiction, resources, and imperative relationships with businesses and landowners to create comprehensive wildlife action plans that can preclude the listing of a species. No one wants a species to be listed; the method for preservation of the species is at the center of the debate. The entities that are best suited to take on this role are the states themselves. Timely and meaningful coordination between state and federal agencies is imperative in order to preserve potentially endangered species.”*

- **[H.R. 4318](#), *Endangered Species Litigation Reasonableness Act***, sponsored by Rep. Bill Huizenga (MI-02), would reduce taxpayer-financed attorney fees to help ensure that resources for species protection are focused more on species than on lucrative legal fees. It puts in place the same reasonable hourly caps on attorney fees used in another federal law, the Equal Access to Justice Act.

[Kent Holsinger](#), Manager, Holsinger Law, LLC, testified how taxpayer dollars would be better on species recovery efforts than exorbitant legal fees. *“Litigation abuses result in excessive pay-outs of taxpayer funds. A cap limiting the hourly rate for prevailing attorneys would diminish the incentive to ‘sue and settle’ by activist groups, but more importantly, allow taxpayer dollars to be more effectively allocated to the conservation*

and recovery of species. I strongly support the passage of these measures to improve the ESA and urge the Committee to advance them in the legislative process.”

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