

DOC HASTINGS, WA
CHAIRMAN
DON YOUNG, AK
LOUIE GOHMERT, TX
ROB BISHOP, UT
DOUG LAMBORN, CO
ROBERT J. WITTMAN, VA
PAUL C. BROUN, GA
JOHN FLEMING, LA
TOM McCLINTOCK, CA
GLENN THOMPSON, PA
CYNTHIA LUMMIS, WY
DAN BENISHEK, MI
JEFF DUNCAN, SC
SCOTT R. TIPTON, CO
PAUL A. GOSAR, AZ
RAÚL R. LABRADOR, ID
STEVE SOUTHERLAND II, FL
BILL FLORES, TX
JON RUNYAN, NJ
MARKWAYNE MULLIN, OK
STEVE DAINES, MT
KEVIN CRAMER, ND
DOUG LaMALFA, CA
JASON SMITH, MO
VANCE McALLISTER, LA
BRADLEY BYRNE, AL

TODD YOUNG
CHIEF OF STAFF

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

**Opening Statement of
Chairman Doc Hastings**
Committee on Natural Resources
On Tuesday, April 8, 2014
1324 Longworth House Office Building
Full Committee Legislative Hearing on
H.R. 4315, H.R. 4316, H.R. 4317, and H.R. 4318

PETER A. DeFAZIO, OR
RANKING DEMOCRATIC MEMBER
ENI F.H. FALCOMAVAEGA, AS
FRANK PALLONE, JR., NJ
GRACE F. NAPOLITANO, CA
RUSH HOLT, NJ
RAUL M. GRIJALVA, AZ
MADELINE-Z. BORDALLO, GU
JIM COSTA, CA
GREGORIO KILILI CAMACHO SABLAN, CNMI
NIKI TSONGAS, MA
PEDRO R. PIERLUISI, PR
COLLEEN W. HANABUSA, HI
TONY CÁRDENAS, CA
STEVEN HORSFORD, NV
JARED HUFFMAN, CA
RAUL RUIZ, CA
CAROL SHEA-PORTER, NH
ALAN LOWENTHAL, CA
JOE GARCIA, FL
MATTHEW CARTWRIGHT, PA
KATHERINE CLARK, MA

PENNY DODGE
DEMOCRATIC STAFF DIRECTOR

“Today marks the legislative phase of updating, improving, and modernizing the Endangered Species Act for the 21st century. It is the product of years of Committee oversight on this 40-year-old law that was last reauthorized in 1988.

Last year, I along with Rep. Cynthia Lummis, created the Endangered Species Act Congress Working Group. Comprised of Republican Members from affected districts nationwide, this group held forums and received hundreds of public comments from all sides.

In February, the Working Group released its final report with more than 20 recommendations. The Group found that while there is strong support for conserving endangered species, 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.

I’ve said it has never been my intent to introduce a sweeping overhaul of the ESA. I don’t believe that’s the best way forward. Instead, the focus needs to be on thoughtful, sensible, and targeted proposals. We have those before us today.

First is a bill I introduced, the *21st Century Endangered Species Transparency Act*. This legislation simply requires that data used by federal agencies for ESA listing decisions be made publicly available and accessible through the Internet. The last significant update to the ESA was when the Internet was in its infant stages. Posting data supporting key ESA decisions online will greatly enhance transparency, and is something that should have been done long ago.

In my own central Washington district, the Fish and Wildlife Service, rather than using actual DNA data, based its decision to list a plant called the bladderpod largely on publicly inaccessible data from a 2006 “unpublished” manuscript. Other examples include the federal government’s citation to taxpayer-funded “studies” that conclude, without actual data, that listing the Greater Sage Grouse across 11 western states is warranted. Whether

one agrees with the conclusion or not, refusing to make taxpayer-funded data available to the American public flies in the face of transparency and good science.

H.R. 4317, the *State, Tribal, and Local Species Transparency and Recovery Act*, sponsored by Rep. Neugebauer, would enhance state, local and tribal involvement in ESA decisions. This bill would require that before any listing decision is made, the federal government must disclose all data used to states affected by such actions. This gives states the opportunity to verify, dispute, or complement such information and encourages a stronger role for states in species conservation policies. The bill also ensures that data from local, state and tribal entities – those closest to the ground – be included in ESA listing decisions.

H.R. 4316, the *Endangered Species Transparency Act*, sponsored by Rep. Lummis, 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.

The final bill, introduced by Rep. Huizenga, 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. This common sense bill would help reduce the often current exorbitant, taxpayer-funded fees – often upwards of \$500 per hour – and make them limited to the hourly rate for attorneys that prevail against the federal government at \$125 per hour. This is in line with the Equal Access to Justice Act.

Last week, at an appropriations hearing, the Director of the Fish and Wildlife Service acknowledged that there could be “opportunities to make incremental improvements” to the ESA. That is exactly what we’re doing here, and in a manner that, I hope will be bipartisan.

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 for significant federal ESA decisions for both species and people.”

###