



**National Association of Home Builders**

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July 28, 2014

The Honorable John Boehner  
Speaker  
U.S. House of Representatives  
Washington, DC 20515

**Government Affairs**

James W. Tobin III  
Senior Vice President & Chief Lobbyist

Dear Speaker Boehner:

On behalf of the 140,000 members of the National Association of Home Builders (NAHB), I am writing to express NAHB's support for H.R. 4315, the *Endangered Species Transparency and Reasonableness Act*. H.R. 4315 would make needed improvements to the Endangered Species Act (ESA) that would benefit species, landowners and the federal agencies charged with enforcing the ESA. NAHB is hopeful that the House of Representatives will pass this important legislation.

This legislation requires greater weight to be given to science and transparency when making decisions such as listing or de-listing species under the ESA. NAHB supports the notion that data used in making listing decisions should be made publically available and that there should be collaboration and consultation with states and local entities in order to ensure that the "best available scientific" requirement is met.

This legislation also makes needed reforms to ESA litigation practices. It requires an annual report and a publically available database in order to track expenditures for ESA-related lawsuits. Meanwhile, it will limit the ability of parties to recover the costs of litigation by capping the prevailing attorney's rates to \$125 per hour, which is consistent with the requirements under the *Equal Access to Justice Act*. Currently, attorneys are receiving exorbitant sums of taxpayer dollars from ESA related lawsuits which could otherwise be spent on species recovery.

For these reasons, I respectfully ask that you support H.R. 4315, the *Endangered Species Transparency and Reasonableness Act*. Thank you for giving consideration to our views.

Sincerely,

A handwritten signature in black ink, appearing to read 'James W. Tobin III', written in a cursive style.

James W. Tobin III