



HOUSE COMMITTEE ON  
**NATURAL RESOURCES**  
CHAIRMAN BRUCE WESTERMAN

**To:** Subcommittee on Water, Wildlife and Fisheries Republican Members  
**From:** Subcommittee on Water, Wildlife and Fisheries staff: Kiel Weaver ([kiel.weaver@mail.house.gov](mailto:kiel.weaver@mail.house.gov)), Doug Levine ([doug.levine@mail.house.gov](mailto:doug.levine@mail.house.gov)) and Annick Miller ([annick.miller@mail.house.gov](mailto:annick.miller@mail.house.gov)), x58331  
**Date:** March 23, 2023  
**Subject:** Legislative Hearing on: H.R. 764 (Boebert), the “Trust the Science Act”; H.R. 886 (Bonamici), “Save Our Seas 2.0 Amendments Act.”; H.R. 1245 (Hageman), “Grizzly Bear State Management Act.”; and H.R. 1419 (Rosendale), “Comprehensive Grizzly Bear Management Act.”

---

The Subcommittee on Water, Wildlife and Fisheries will hold a legislative hearing on: H.R. 764 (Boebert), the “*Trust the Science Act*”; H.R. 886 (Bonamici), “*Save Our Seas 2.0 Amendments Act*”; H.R. 1245 (Hageman), “*Grizzly Bear State Management Act*”; and H.R. 1419 (Rosendale), “*Comprehensive Grizzly Bear Management Act*,” on Thursday, March 23, 2023, at 10:15 a.m. EDT in 1324 Longworth House Office Building.

Member offices are requested to notify Thomas Shipman ([Thomas.shipman@mail.house.gov](mailto:Thomas.shipman@mail.house.gov)) by 4:30 p.m. on Wednesday, March 22, if their Member intends to participate in the hearing.

## I. KEY MESSAGES

- As 2023 is the 50<sup>th</sup> anniversary of the Endangered Species Act (ESA), Congress should examine how the Act is being implemented and its success in recovering listed species.
- How to define success is one of the key questions surrounding the ESA. By all metrics available (species population, habitat, state management plans, etc.), certain grizzly bear populations and gray wolves should be considered as recovered and delisted.
- Serial litigation is negatively impacting species recovery and the ESA listing and delisting process.
- Empowering states, tribes, local governments and private landowners in the ESA decision making process is the best path forward for both the health of species and the sustainability of local communities impacted by those species.

## II. WITNESSES

- a. Member panel
  - To be announced
- b. Federal panel:
  - **Mr. Stephen Guertin**, Deputy Director for Policy, U.S. Fish and Wildlife Service, Washington, DC (H.R. 764, H.R. 1245 and H.R. 1419)
  - **Ms. Nancy Wallace**, Marine Debris Program Director, National Oceanic and Atmospheric Administration, Silver Spring, Maryland (H.R. 886)
- c. Non-federal panel:
  - **Dr. Nathan Roberts**, Associate Professor, College of the Ozarks, Branson, Missouri (H.R. 764)
  - **Mr. Brian Nesvik**, Director, Wyoming Game and Fish Department, Cheyenne, Wyoming (H.R. 1245)
  - **Ms. Karli Johnson**, Rancher, Sevens Livestock, Choteau, Montana (H.R. 1419)
  - **Dr. Christopher Servheen**, Retired Grizzly Bear Recovery Coordinator, U.S. Fish and Wildlife Service, Missoula, Montana (H.R. 764, H.R. 1245, and H.R. 1419)

## III. BACKGROUND

### Overview of the Endangered Species Act

The Endangered Species Act (P.L. 93-205 or Act) was enacted in 1973 “to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species, and to take such steps as may be appropriate to achieve the purposes of the treaties and conventions set forth” in the Act.<sup>1</sup>

This mandate impacts federal agencies, state and local entities and private organizations and individuals by covering federal “actions” such as funding, permitting, licensing, and the granting of easements and rights-of-ways. The ESA also establishes prohibitions on the

Listings of Domestic Species under the Endangered Species Act

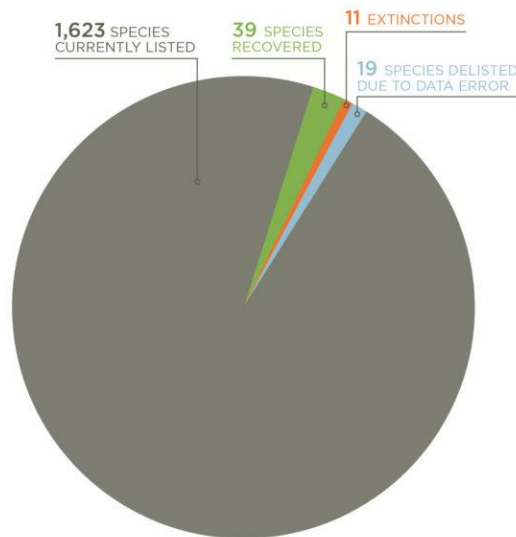


Figure 1: ESA Listing Data as of 2018

<sup>1</sup> <https://www.fisheries.noaa.gov/national/endangered-species-conservation/endangered-species-act>

taking of listed species, which applies directly to private individuals without the requirement of a federal nexus.<sup>2</sup>

Congress last significantly amended the ESA in 1988.<sup>3</sup> Despite these revisions, the main provisions of the Act remain intact and govern species conservation efforts today. Under the current framework, the ESA charges the U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration’s National Marine Fisheries Service (NMFS) to field petitions to list species as threatened or endangered and to designate critical habitat.<sup>4</sup>

In addition, the ESA requires the implementing federal agencies to “cooperate to the maximum extent practicable with the States” in implementing the Act, including “consultation with the States concerned before acquiring any land or water, or interest therein, for the purpose of conserving any endangered species or threatened species.”<sup>5</sup> Litigation and threats of litigation on both substantive and procedural grounds have significantly increased and are upending the listing and delisting process under the ESA.<sup>6</sup> Historically, Republican Members of Congress have raised legitimate questions over petitions, listings, rigid timeframes, and lack of data transparency supporting decisions regarding the priorities of the two agencies that administer the ESA.<sup>7</sup>

#### **H.R. 764: “Trust the Science Act” (Rep. Lauren Boebert, R-CO)**

This bill would require the Department of the Interior to reissue the final rule entitled “Endangered and Threatened Wildlife and Plants; Removing the Gray Wolf (*Canis lupus*) From the List of Endangered and Threatened Wildlife” and published on November 3, 2020 (85 Fed. Reg. 69778).

The USFWS listed the Gray Wolf in 1978 as threatened in Minnesota and endangered in the rest of the lower 48 states.<sup>8</sup> After decades of conservation efforts, USFWS has issued a number of rules during Democrat and Republican administrations since 2003 that listed certain populations of gray wolves as threatened or endangered and downlisted or delisted those populations, however the latter efforts encountered litigation.<sup>9</sup>

---

<sup>2</sup> *The Endangered Species Act: How Litigation is Costing Jobs and Impeding True Recovery Efforts: Oversight Hearing Before the H. Comm. On Natural Resources*, 112<sup>th</sup> Cong. (2011) ([testimony of Karen Budd-Falen, Budd-Falen Law Offices, LLC., at 10](#)).

<sup>3</sup> Public Law 100-478, the Endangered Species Act Amendment of 1988. <https://www.congress.gov/100/STATUTE-102/STATUTE-102-Pg2306.pdf>

<sup>4</sup> *The Endangered Species Act: How Litigation is Costing Jobs and Impeding True Recovery Efforts: Oversight Hearing Before the H. Comm. On Natural Resources*, 112<sup>th</sup> Cong. (2011) ([testimony of Karen Budd-Falen, Budd-Falen Law Offices, LLC., at 10](#)).

<sup>5</sup> Endangered Species act of 1973, 16 U.S.C., 1531-1544 (1973)

<sup>6</sup> “Federal Court Strikes Down ESA Rule by Fiat.” Kat Dwyer. 7/6/22. <https://perc.org/2022/07/06/federal-court-strikes-down-esa-rules-by-fiat/>

<sup>7</sup> Endangered Species Act Congressional Working Group. “Report, Findings, and Recommendations.”

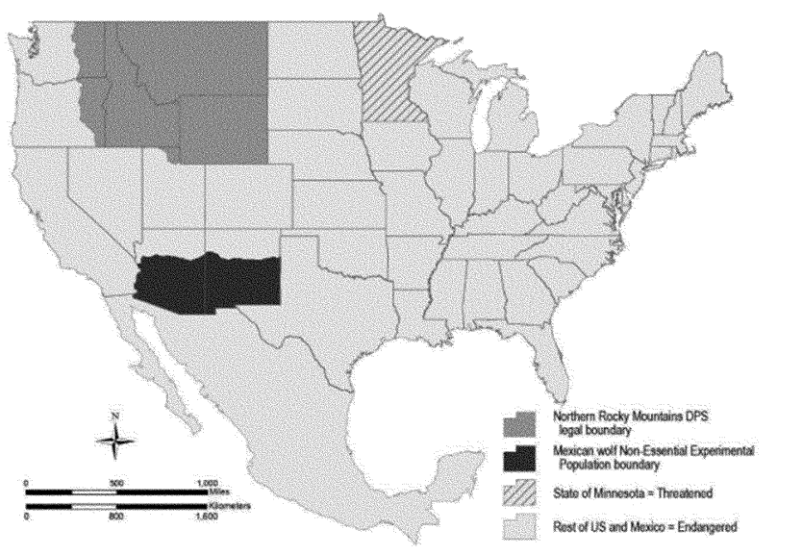
<https://www.endangeredspecieslawandpolicy.com/assets/htmldocuments/blog/4/2014/10/finalreportandrecommendations-113.pdf>

<sup>8</sup> “U.S. District Court Vacates Gray Wolf Delisting Rule.” Erin H. Ward. Congressional Research Service. [LSB10697 \(congress.gov\)](#)

<sup>9</sup> “U.S. District Court Vacates Gray Wolf Delisting Rule.” Erin H. Ward. Congressional Research Service. [LSB10697 \(congress.gov\)](#)

In 2011, Congress directed USFWS to reinstate a rule to delist the wolf in the Northern Rockies Ecosystem (the rule did not include Wyoming).<sup>10</sup> In 2017, after several years of litigation, the USFWS delisted the wolf in Wyoming. That rulemaking also created three distinct Gray Wolf population areas: (1) the Northern Rockies Ecosystem where the wolf was not listed; (2) Wolves in Minnesota were listed as threatened; (3) Wolves in all other areas of the lower 48 states were listed as endangered.<sup>11</sup> In November 2020, the Trump administration’s rulemaking returned management of Gray Wolf populations to each of the lower 48 states within their borders. At the time of delisting, the Gray Wolf population in the lower 48 states was approximately 6,000 wolves, which greatly exceeded the combined recovery goals of the Northern Rockies and Western Great Lakes populations of 650 wolves.<sup>12</sup>

On February 10, 2022, U.S. Federal District Court Judge Jeffrey White, in response to a lawsuit filed by Defenders of Wildlife, WildEarth Guardians, and other environmental groups, vacated and remanded the November 2020 rulemaking. In his ruling, Judge White stated that he believed USFWS had failed to show that wolf populations could be sustained outside of the core areas that were being managed by USFWS.<sup>13</sup> This ruling reinstated ESA rules for the Gray Wolf in the



Map 1: Shows the differing ESA designations geographically (Source: [2022 Gray Wolf FAQs \(fws.gov\)](https://www.fws.gov/gray-wolf-faqs))

lower 48 states, with the exception of the Northern Rockies Ecosystem, which was delisted by previous rulemakings in 2011 (Montana and Idaho) and 2017 (Wyoming).<sup>14</sup> The Department of Justice appealed this ruling, much to the disappointment of some environmental groups.<sup>15</sup> On the other hand, the CEO of Sportsmen’s Alliance Foundation, Evan Heusinkveld, commended the “Biden administration for stepping up in this case and defending sound wildlife management.”<sup>16</sup>

<sup>10</sup> Public Law 112-10, Department of Defense and Full-year Continuing Appropriations Act of 2011. [PUBL010.PS \(congress.gov\)](https://www.congress.gov/pubs/laws/publ010/PS)  
<sup>11</sup> “U.S. District Court Vacates Gray Wolf Delisting Rule.” Erin H. Ward. Congressional Research Service. [LSB10697 \(congress.gov\)](https://www.congress.gov/legislation/116/10697)  
<sup>12</sup> “U.S. Fish and Wildlife Service Delists the Gray Wolf in the Lower-48 States.” Jonathan Shuffield. National Association of Counties. [U.S. Fish and Wildlife Service delists the gray wolf in the lower-48 states \(naco.org\)](https://www.naco.org/newsroom/2017/11/16/us-fish-and-wildlife-service-delists-the-gray-wolf-in-the-lower-48-states)  
<sup>13</sup> U.S. District Court Northern District of California. *Defenders of Wildlife, Et. Al. v. U.S. Fish and Wildlife Service, Et Al.* 10 Feb 2022.  
<sup>14</sup> “Judge restores gray wolf protections.” Michael Doyle. E&E News. 02/10/2022. [Judge restores gray wolf protections - E&E News \(eenews.net\)](https://www.eenews.net/stories/1090000000)  
<sup>15</sup> <https://worldanimalnews.com/breaking-disheartening-news-as-u-s-department-of-justice-appeals-restoration-of-gray-wolf-protections-in-most-of-the-lower-48-states/>  
<sup>16</sup> <https://sportsmensalliance.org/news/biden-admin-usfws-issues-notice-of-appeal-in-lower-48-wolf-case/>

State management of delisted wolves has proven to be a success. In states where wolves had been delisted prior to the 2020 rulemaking, wolf populations were either stable or thriving, with Montana being 500 percent above USFWS recovery goals, Idaho 700 percent above recovery goals, and the Wyoming population being stable.<sup>17</sup> This was made possible by state management plans that have successfully balanced wolf population health and human activity.

Delisting gray wolves in the lower 48 states has traditionally had bipartisan support. In 2013, the Obama administration proposed delisting gray wolves in the lower 48 states, but the rule was never finalized due to backlash from environmental groups.<sup>18</sup> In the 115<sup>th</sup> Congress, the House passed similar language to H.R. 764 by a vote of 196-180 (with 9 Democrats voting in favor).<sup>19</sup> A former Wisconsin Department of Natural Resources biologist and the USFWS will testify on this bill.

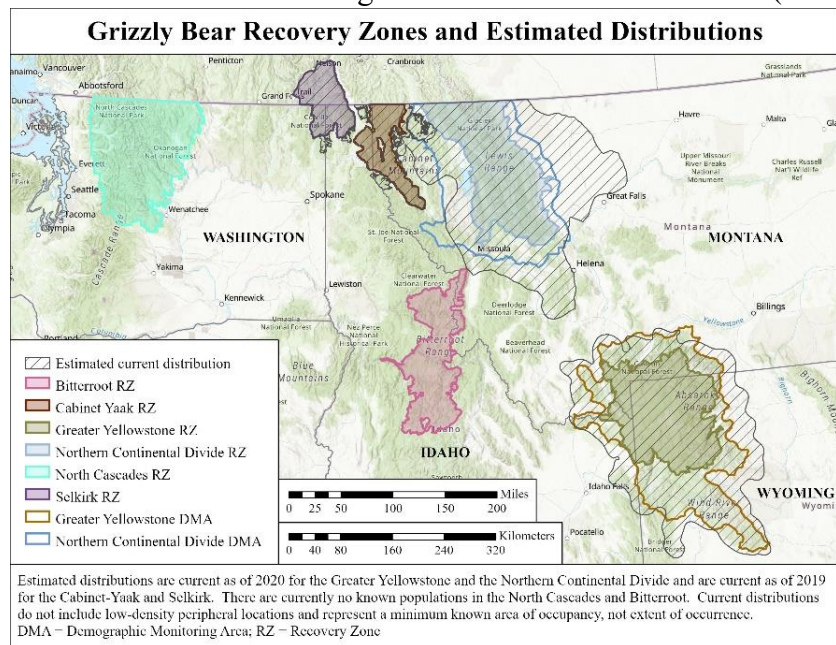
H.R. 764 has 24 Republican cosponsors.

**H.R. 1245: “Grizzly Bear State Management Act” (Rep. Hageman, R-WY)**

This bill would require the Department of the Interior to reissue the final rule entitled “Endangered and Threatened Wildlife and Plants; Removing the Greater Yellowstone Ecosystem Population of Grizzly Bears from the Federal List of Endangered and Threatened Wildlife” (82 Fed. Reg. 30502 (June 30, 2017)).

The grizzly bear was first listed under the ESA in 1975 as a threatened species in the lower 48 states. A grizzly bear recovery plan was developed in 1982 and amended in 1993 with the goal of delisting the species in the future.<sup>20</sup> That recovery plan created six distinct recovery areas across the grizzly bear’s historic range:

- the Greater Yellowstone Ecosystem (GYE);



Map 2: Grizzly bear recovery areas and range expansion (Source: [Bears In Montana | Montana FWP \(mt.gov\)](#))

<sup>17</sup> “RMEF Strongly Supports Delisting, State Management of Wolves.” 10/29/20. [RMEF Strongly Supports Delisting, State Management of Wolves | Rocky Mountain Elk Foundation](#)

<sup>18</sup> “Obama Administration Strips Wolf Protections Across Most of the Lower 48 States.” Center for Biological Diversity. 7/7/2013. [Obama Administration Strips Wolf Protections Across Most of Lower 48 States \(biologicaldiversity.org\)](#)

<sup>19</sup> H.R. 6784, “Manage our Wolves Act”. [H.R.6784 - 115th Congress \(2017-2018\): Manage our Wolves Act | Congress.gov | Library of Congress](#)

<sup>20</sup> “Grizzly Bear Recovery Plan.” Dr. Christopher Servheen. 9/10/1993. [fws.pdf \(npshistory.com\)](#)

- the Northern Continental Divide Ecosystem (NCDE);
- the Cabinet-Yaak Ecosystem;
- the Selkirk Ecosystem;
- the North Cascades Ecosystem; and
- the Bitterroot Ecosystem.

On March 29, 2007, the USFWS published a final rule designating the GYE as a distinct population segment and removed GYE bears from the endangered species list. Federal District Court Judge Donald Malloy overturned the rulemaking on September 21, 2009, in response to a lawsuit filed by the Greater Yellowstone Coalition against the USFWS.<sup>21</sup> In his decision, Judge Malloy stated that there were inadequate regulations to protect the grizzly bear once delisted and the USFWS did not consider other environmental factors, such as climate change.<sup>22</sup> The USFWS again published a final rule delisting the grizzly bear within the GYE on June 30, 2017. Montana Federal District Court Judge Dana L. Christensen overturned the rulemaking on September 24, 2018, holding that the USFWS failed to consider how reduced protections for GYE grizzlies would affect other populations and that the USFWS's application of the ESA threat analysis was arbitrary and capricious.<sup>23</sup>

In 2021, the state of Wyoming petitioned the USFWS to delist the grizzly bear in the GYE, estimating its population to be 1,069 bears.<sup>24</sup> This number is well above the recovery goal set by the USFWS of at least 500 grizzlies or to maintain an average of 674 bears.<sup>25</sup> In addition, GYE grizzlies now occupy a land area of nearly 25,000 square miles, an area larger than the states of Connecticut, New Hampshire, and Massachusetts combined.<sup>26</sup> States in the GYE region, including Wyoming, have formalized grizzly bear management plans in the event the species was delisted. The Wyoming management plan largely adheres to current USFWS population goals, prioritizes minimizing human and bear conflicts, and applies conservative management policies within areas outside of national parks.<sup>27</sup>

In response to Wyoming's petition, the USFWS announced on February 3<sup>rd</sup> of this year that a delisting in the GYE "may be warranted" and initiated a 12-month status review of the species.<sup>28</sup> The outcome of this process may be promising, but without legislation from Congress, any rulemaking delisting the GYE will likely be vulnerable to litigation.

---

<sup>21</sup> U.S. District Court of Montana. Greater Yellowstone Coalition, Inc. v. U.S. Fish and Wildlife Service. 12 Sep. 2009

<sup>22</sup> "Grizzly Decision Detailed." Cat Urgbikit. Pinedale Online!. [Grizzly decision detailed - Pinedale, Wyoming \(pinedaleonline.com\)](https://www.pinedaleonline.com/news/grizzly-decision-detailed)

<sup>23</sup> "Grizzly Bears and the Endangered Species Act." Jenny Gesley. Congressional Research Service. 7/28/21. [Grizzly Bears and the Endangered Species Act | In Custodia Legis \(loc.gov\)](https://www.congress.gov/56/wrds/rpt/2021/R46250)

<sup>24</sup> "Wyoming's push to delist grizzly bears from endangered species list faces opposition from anti-hunting group." Michael Lee. Fox News. 1/21/22. [Wyoming's push to delist grizzly bears from endangered species list faces opposition from anti-hunting group | Fox News](https://www.foxnews.com/wyoming/grizzly-bears-delisted)

<sup>25</sup> "Grizzly Bear Recovery Program." 2021 Annual Report. Grizzly Bear Recovery Program. U.S. Fish and Wildlife Service. [2021 GBRP Annual Report.pdf \(fws.gov\)](https://www.fws.gov/gyp/annual-reports/2021-annual-report)

<sup>26</sup> "Secretary Zinke Announces Recovery and Delisting of Yellowstone Grizzly Bear." U.S. Department of the Interior. 6/27/2017. [Delisting of Yellowstone Grizzly Bear | U.S. Fish & Wildlife Service \(fws.gov\)](https://www.fws.gov/yellowstone/newsroom/2017/06/27/secretary-zinke-announces-recovery-and-delisting-of-yellowstone-grizzly-bear)

<sup>27</sup> "Wyoming Grizzly Bear Management Plan." Wyoming Game and Fish Commission. 5/11/2016. [Microsoft Word - Grizzly Bear Management Plan Amended July 2005.doc \(wyo.gov\)](https://www.wygameandfish.com/wp-content/uploads/2016/05/Wyoming-Grizzly-Bear-Management-Plan-Amended-July-2005.doc)

<sup>28</sup> "Service to initiate grizzly bear status review in the Northern Continental Divide and Greater Yellowstone ecosystems." U.S. Fish and Wildlife Service. 2/3/2023. [Service to initiate grizzly bear status review in the Northern Continental Divide & Greater Yellowstone ecosystems | U.S. Fish & Wildlife Service \(fws.gov\)](https://www.fws.gov/yellowstone/newsroom/2023/02/03/service-to-initiate-grizzly-bear-status-review-in-the-northern-continental-divide-and-greater-yellowstone-ecosystems)

H.R. 1245 is cosponsored by Reps. Ryan Zinke (MT-01) and Mathew Rosendale (MT-02). The Director of the Wyoming Game and Fish Department and the USFWS will testify on this bill.

### **H.R. 1419: “Comprehensive Grizzly Bear Management Act” (Rep. Rosendale, R-MT)**

This bill would require that no later than 180 days after enactment, the Secretary of the Interior shall issue a final rule removing the Northern Continental Divide Ecosystem (NCDE) Population of Grizzly Bears from the federal list of endangered and threatened wildlife.

In December 2021, the State of Montana petitioned the USFWS to delist grizzly bears within the NCDE. At the time the delisting petition was filed, Montana estimated the NCDE population to be at approximately 1,100 bears.<sup>29</sup> According to a 2021 USFWS Report, the NCDE grizzly population had **at least 2** out of the 3 population objectives to warrant delisting: (1) NCDE grizzlies have maintained a well-distributed grizzly bear population within the NCDE; and (2) mortalities have been managed to keep an estimated probability of at least 90% that the grizzly bear population remains above 800 bears. The third objective, genetic connectivity between populations, is still being monitored by Montana and USFWS.<sup>30</sup> Since the publication of that report, the State of Montana committed in its delisting petition to provide connectivity of NCDE bears to other populations areas.<sup>31</sup>

In preparation for possible delisting, the Montana Fish and Wildlife Commission approved a population objective in 2018 that mirrored the USFWS objective of maintaining a population of over 800 bears with at least 90 percent certainty.<sup>32</sup> In addition to population numbers, NCDE grizzly bears have more than doubled their range area since being listed, according to the USFWS. The NCDE grizzly range has grown from 9,500 square miles to over 26,000 square miles. For context, this means NCDE grizzlies are distributing to areas outside of the area known as the Rocky Mountain Front to prairie lands to the east, where they have not been for over a century (see Figure 3).<sup>33</sup>



Map 3: The Northern Continental Divide Ecosystem and grizzly bear range expansion

<sup>29</sup> “Governor Gianforte: Montana Petitioning Federal Government to Delist NCDE Grizzly Bears.” Governors Office. 12/6/21. [Gov. Gianforte: Montana Petitioning Federal Government to Delist NCDE Grizzly Bears \(mt.gov\)](https://www.mt.gov/gov/gianforte/montana-petitioning-federal-government-to-delist-ncde-grizzly-bears)

<sup>30</sup> “Grizzly Bear Recovery Program.” 2021 Annual Report. Grizzly Bear Recovery Program. U.S. Fish and Wildlife Service. [2021 GBRP Annual Report.pdf \(fws.gov\)](https://www.fws.gov/2021-GBRP-Annual-Report.pdf)

<sup>31</sup> “A Petition to Identify and Delist the Northern Continental Divide Distinct Population Segment of the Grizzly Bear (*Ursus arctos horribilis*) Under the Endangered Species Act.” Governor Greg Gianforte and Montana Department of Fish, Wildlife, and Parks. 12/17/21.

<sup>32</sup> “Governor Gianforte: Montana Petitioning Federal Government to Delist NCDE Grizzly Bears.” Governors Office. 12/6/21. [Gov. Gianforte: Montana Petitioning Federal Government to Delist NCDE Grizzly Bears \(mt.gov\)](https://www.mt.gov/gov/gianforte/montana-petitioning-federal-government-to-delist-ncde-grizzly-bears)

<sup>33</sup> “Governor Gianforte: Montana Petitioning Federal Government to Delist NCDE Grizzly Bears.” Governors Office. 12/6/21. [Gov. Gianforte: Montana Petitioning Federal Government to Delist NCDE Grizzly Bears \(mt.gov\)](https://www.mt.gov/gov/gianforte/montana-petitioning-federal-government-to-delist-ncde-grizzly-bears)

In response to Montana’s petition, the USFWS announced on February 3, 2023, that a delisting in the NCDE “may be warranted” and initiated a 12-month status review of the species.<sup>34</sup> Similar to the GYE population, any rulemaking delisting the NCDE will be vulnerable to litigation.

H.R. 1419 is cosponsored by Reps. Zinke (MT-01) and Hageman (WY-AL).

### **H.R. 886: “Save Our Seas 2.0 Amendments Act” (Rep. Bonamici, D-OR)**

#### **NOAA’s Marine Debris Program**

In 2006, the Marine Debris Act (P.L. 109-449) established the National Oceanic and Atmospheric Administration (NOAA) as the main federal agency in charge of addressing marine debris.<sup>35</sup> The Marine Debris Act required NOAA to “identify, determine sources of, assess, prevent, reduce, and remove marine debris and address the adverse impacts of marine debris on the economy of the United States, marine environment, and navigation safety.”<sup>36</sup> The law authorized \$10 million a year from fiscal years (FY) 2006 through 2010 and allowed for 10 percent federal administrative costs.

In 2018, Congress passed the Save Our Seas Act (P.L. 115-265), which amended the Marine Debris Act by reauthorizing appropriations (\$10 million per year) through FY 2022, reducing the administrative costs to 5 percent, giving the NOAA Administrator the authority to declare “severe marine debris events” and authorize funds to assist with cleanup and response.<sup>37</sup>

In 2020, Congress passed the Save Our Seas 2.0 Act (P.L. 116-224), which reauthorized the Marine Debris Program through FY 2024, increased authorizations of appropriations to \$15 million per year, and increased the cap on administrative costs to 7 percent. In addition, the Save Our Seas 2.0 Act established the Marine Debris Foundation (Foundation), created a Genius Prize for Save Our Seas Innovations and required several new reports and studies on different aspects of marine debris. This included a report on impacts of derelict fishing gear, uses of plastic waste, vessel recycling, and a pilot program for providing incentives to fishermen to collect and dispose of plastic found at sea. The law authorized \$10 million in appropriations from FY 2021 through 2024 for NOAA to implement these new authorities.<sup>38</sup>

### **H.R. 886**

H.R. 886 would make several changes to the Foundation. Some changes are minor, including requiring the Secretary of Commerce to approve appointments to the Foundation’s Board of Directors, allowing the Foundation to locate its office outside the District of Columbia, and

---

<sup>34</sup> “Service to initiate grizzly bear status review in the Northern Continental Divide and Greater Yellowstone ecosystems.” U.S. Fish and Wildlife Service. 2/3/2023. [Service to initiate grizzly bear status review in the Northern Continental Divide & Greater Yellowstone ecosystems | U.S. Fish & Wildlife Service \(fws.gov\)](https://www.fws.gov/news/press-releases/2023-02-03-service-to-initiate-grizzly-bear-status-review-in-the-northern-continental-divide-and-greater-yellowstone-ecosystems)

<sup>35</sup> Public Law 109-449, the Marine Debris Research, Prevention, and Reduction Act. <https://www.congress.gov/109/statute/STATUTE-120/STATUTE-120-Pg3333.pdf>

<sup>36</sup> Id. at Section 2. Purpose.

<sup>37</sup> P.L. 115-265, Save our Seas Act of 2018.

<sup>38</sup> P.L. 116-224, Save our Seas 2.0 Act.



directing the Foundation to develop best practices for conducting outreach to Indian tribes and tribal governments.

The bill would make significant changes to current law, including the allowance for up to 12 percent of appropriated funds to be used for administrative expenses and expanding the Foundation's ability to utilize appropriated funds to pay salaries for an additional two years. Current law allowed appropriations to pay for salaries for 18 months beginning in December of 2020. Lastly, H.R. 886 allows the Foundation to match grants provided by non-governmental organizations, regional organizations, Indian tribes, Tribal organizations, and foreign government entities.

The bill has seven cosponsors, including Resident Commissioner Jenniffer Gonzalez Colon (R-PR).

#### **IV. MAJOR PROVISIONS & ANALYSIS (SECTION-BY-SECTION)**

##### **H.R. 764, "Trust the Science Act" (Rep. Boebert, R-CO):**

Section 2. Removing the Gray Wolf from the List of Endangered and Threatened Wildlife

- Not later than 60 days after the date of enactment of this section, the Secretary of the Interior shall reissue the final rule entitled "Endangered and Threatened Wildlife and Plants; Removing the Gray Wolf (*Canis lupus*) From the List of Endangered and Threatened Wildlife" and published on November 3, 2020 (85 Fed. Reg. 69778).

Section 3. No Judicial Review

##### **H.R. 886, "Save Our Seas 2.0 Amendments Act" (Rep. Bonamici, D-OR):**

Section 2. Modifications to the Marine Debris Foundation

- Requires the Secretary of Commerce to approve appointment to the Foundation's Board of Directors.
- Allows the Foundation to locate its office outside of the District of Columbia.
- Direct the Foundation to develop best practices for conducting outreach to Indian tribes and tribal governments.
- Allows for up to twelve percent of appropriated funds to be used for administrative expenses.
- Expands the ability to utilize appropriated funds to pay salaries for another two years. Current law allowed appropriations to pay for salaries for 18 months beginning in December of 2020.

Section 3. Modifications to the Marine Debris Program at NOAA

- Clarifies that NOAA can enter into other agreements, outside of contracts, as part of the Marine Debris Program.
- Allows the NOAA Administrator to accept in-kind contributions for the program.
- Clarifies the expenditure and use of funds by the program.

**H.R. 1245, “Grizzly Bear State Management Act” (Rep. Hageman, R-WY):**

Section 2. Reissuance of Final Rule Related to the Greater Yellowstone Population of Grizzly Bears

- Not later than 180 days after the enactment of the act, the Secretary of the Interior shall reissue the final rule entitled “Endangered and Threatened Wildlife and Plants; Removing the Greater Yellowstone Ecosystem Population of Grizzly Bears From the Federal List of Endangered and Threatened Wildlife”

Section 3: No Judicial Review

**H.R. 1419, “Comprehensive Grizzly Bear Management Act” (Rep. Rosendale, R-MT):**

Section 2: Removal of the Northern Continental Divide Ecosystem of Grizzly Bears from the List of Endangered and Threatened Wildlife

- Not later than 180 days after the enactment of the act, the Secretary of the Interior shall issue a final rule removing the Northern Continental Divide Ecosystem Population of Grizzly Bears from the federal List of endangered and threatened wildlife. The final rule shall not be subject to judicial review.

**V. COST**

A formal Congressional Budget Office (CBO) cost estimate has not yet been completed on any of these bills. However, in the 117<sup>th</sup> Congress, CBO provided a cost estimate for S. 4321, which is identical to H.R. 886. CBO stated that the bill would not affect direct spending, revenues, or spending subject to appropriation.<sup>39</sup>

**VI. ADMINISTRATION POSITION**

The administration’s positions on each of these bills are unknown at this time.

**VII. EFFECT ON CURRENT LAW**

**H.R. 866**

---

<sup>39</sup> [https://www.cbo.gov/system/files/2022-11/s4321table\\_scst.pdf](https://www.cbo.gov/system/files/2022-11/s4321table_scst.pdf)