

House Committee on Natural Resources, Full Committee

ESA Legislative Hearing

July 19, 2017

Gohmert Opening Statement

- Good morning and welcome to this vitally important hearing. The Endangered Species Act of 1973 – or ESA – was passed with the best of intentions. As stewards of the earth, it is our responsibility to care for and shepherd the animals under our dominion.
- Although it was intended to protect those species in most dire need, the Endangered Species Act is failing at its mission. In fact, the ESA often has the exact opposite effect, hindering instead of helping these species.
- States, counties, farmers, loggers and citizens from east Texas to the Great Lakes are all making it clear that the ESA is no longer working.
- The slate of bills we have before us are but a small, necessary step in the right direction. Whether it be onerous permitting processes; lack of state and local stakeholder input; blatant disregard for relevant scientific data; or tax-payer dollars propping up environmental interest groups, the system in place is broken.
- These bills offer solutions. **H.R. 424**, introduced by my friend, Rep. Collin Peterson, would direct the Secretary of the Interior to reissue vital final rules from 2011 and 2012 that removed the gray wolf from the Endangered Species List in Wyoming and the Great Lakes area.
- Although litigious environmental groups have repeatedly blocked the return of management of gray wolves to their respective states, population increases have long warranted their delisting.

- While U.S. Fish and Wildlife Service delisted wolves in Wyoming in accordance with a March 2017 court order, the decision is still subject to judicial review without this critical legislation.
- The litigiousness of environmental groups complicating the Gray Wolf situation is but a symptom of a larger problem: the ease with which plaintiffs can be rewarded by suing the federal government under the Endangered Species Act.
- My colleague, Rep. Bill Huizenga, has introduced **H.R. 3131**. This bill would standardize attorney's fees awarded in suits by private parties against the federal government, making them conform to the Equal Access to Justice Act.
- Currently, the ESA does not require a party suing the federal government to prevail in order to recover attorney's fees, and there is no cap on hourly attorney's fees. This legislation will reform this process by requiring plaintiffs suing the government under the ESA to prevail in order to collect attorneys' fees, and by capping those fees at \$125 per hour.
- Building on the importance of saving the American taxpayer's hard-earned money, my friend and colleague from Texas, Rep. Pete Olsen, introduced **H.R. 717**. This bill will amend the Endangered Species Act to require the Secretary of the Interior or Commerce to review of the economic cost of adding a species to the endangered species list.
- Under this proposed legislation, if the Secretary determines that adding a species to the endangered species list would result in significant, cumulative economic effects, the species would be precluded from being placed on the list.
- Further, this bill also takes steps to streamline the petitioning process thereby cutting down on excessive litigation.

- Finally, both my bill, **H.R. 2603**, *The SAVES Act*, which delists nonnative species, reducing regulations and thereby empowering states, and Mr. Peterson's Gray Wolf bill, are solutions for the symptoms of a larger problem: lack of state and local input.
- Thankfully, Rep. Dan Newhouse's **H.R. 1274**, the *State, Tribal, and Local Species Transparency Act*, goes a long way in addressing this exact problem. By increasing data transparency and including data submitted by localities, the listing process will more closely adhere to the realities on the ground.
- I thank the Chairman for holding this important hearing, and the witnesses for their testimony today. I yield back, Mr. Chairman.