

STATEMENT OF REPRESENTATIVE BILL HUIZENGA
Before the House Committee on Natural Resources

The Endangered Species Litigation Reasonableness Act (H.R. 3131)
July 19, 2017

Thank you Chairman Bishop, Ranking Member Grijalva, and members of the Committee for holding this hearing on much needed reforms to the Endangered Species Act.

My statement today is in support of common-sense legislation that makes the Endangered Species Act consistent with current law. H.R. 3131, the Endangered Species Litigation Reasonableness Act, reforms the ESA litigation process while enhancing wildlife preservation, improving government efficiency, and protecting taxpayer dollars.

For too long, litigating attorneys representing non-governmental entities, have taken advantage of the Endangered Species Act, raking in millions of dollars in taxpayer-funded money. In many cases, attorney billing rates have climbed as high as \$400, \$500, or even \$750 per hour, with hardworking American taxpayers left footing the bill. In times of tight fiscal budgets and escalating national debt, taxpayer dollars should be prioritized for the protection and recovery of species, not warrantless litigation.

Records from the Department of Justice confirm the exploitation and abuse of the Endangered Species Act by special interest groups— including at least two attorneys who have accrued upwards of \$2 million in legal fees through ESA litigation. These exorbitant payouts – funded by the American Taxpayer – only impede efforts to achieve the common goal of protecting species and habitats.

Currently, the Equal Access to Justice Act limits the hourly rate for awards of fees to prevailing attorneys to \$125 per hour in most circumstances. Unfortunately, no such fee cap currently exists for ESA citizen suits. Quite simply, this bill seeks to correct the current Endangered Species Act anomaly that incentivizes attorneys to spend time in court arguing for inflated rates at the taxpayers' expense.

The bill would ensure that all Americans who sue the federal government – such as veterans, small businesses, and federal benefit recipients - are entitled to the same, reasonable limits when it comes to being awarded taxpayer-funded attorneys' fees.

Rather than taxpayer dollars lining the pockets of trial attorneys or special interest groups that have made a business by suing the federal government under ESA, these scarce resources should be directed towards making the law more efficient and effective for both species and for people.

Mr. Chairman, I strongly believe that this straightforward legislation is a much needed common-sense update to the ESA that makes the law work better for all parties.

I would like to thank the Committee for scheduling this hearing on H.R. 3131. It is my hope that the Committee will soon continue to take further action on this important legislation.