



Committee on Natural Resources U.S. House of Representatives

Chairman Doc Hastings

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Committee Approves Legislation to Update & Improve the Endangered Species Act

Measures Would Increase Transparency To Help Species Recovery

WASHINGTON, D.C. – Today, the House Natural Resources Committee approved four targeted bills that would improve and modernize the Endangered Species Act (ESA). The primary focus of these four bills is to promote data and cost transparency and species recovery.

These bills have been endorsed by over 25 organizations including, the U.S. Chamber of Commerce, Family Farm Alliance, National Rural Electric Cooperative Association, American Farm Bureau Federation, the National Association of Counties, National Cattlemen’s Beef Association, the National Water Resources Association, Washington Farm Bureau, Oregon Farm Bureau, Public Power Council, and National Association of Conservation Districts.

“There is widespread support for conserving endangered species, but that doesn’t mean there isn’t room for improvement. This is a 40-year-old law that was last reauthorized in 1988; certainly there are ways to bring this law into the 21st century and make it work better for both species and people. These are four common sense bills that are very narrowly focused and make targeted improvements to the law in the areas of transparency and species recovery,” said Chairman Doc Hastings (WA-04).

“I am very pleased to see that our thorough investigation and thoughtful legislation is making headway for both species and people. These common sense bills that will soon be ready for consideration on the house floor are modest updates to the ESA. My bill as amended requires tracking and reporting of all the money that is diverted from species recovery to cover lawyer fees and other litigation costs. This, like the other bills, is a very targeted piece of legislation and is designed to increase transparency. It has been over 20 years since the ESA was last reauthorized. It is time to bring the ESA into the 21st century and these bills are small steps along that necessary path,” said Rep. Cynthia Lummis (R-WY).

The four pieces of legislation approved by the Committee to enhance the Endangered Species Act are:

- [H.R.4315](#), 21st Century Endangered Species Transparency Act

(Hastings). Approved 17-15.

The 21st Century Endangered Species Transparency Act would require data used by federal agencies for ESA listing decisions to be made publicly available and accessible through the Internet. The bill would allow the American people to actually see what data is being used to make key listing decisions.

- **[H.R. 4316](#), Endangered Species Recovery Transparency Act (Lummis). Approved 26-16.**

The Endangered Species Recovery Transparency Act would require the U.S. Fish and Wildlife Service to track, report to Congress, and make available online: 1) funds expended to respond to ESA lawsuits; 2) the number of employees dedicated to litigation; and 3) attorneys fees awarded in the course of ESA litigation and settlement agreements.

- **[H.R. 4317](#), State, Tribal, and Local Species Transparency and Recovery Act (Neugebauer). Approved 26-16.**

The State, Tribal, and Local Species Transparency and Recovery Act would require the federal government to disclose to affected states all data used prior to any ESA listing decisions and require that the “best available scientific and commercial data” used by the federal government include data provided by affected states, tribes, and local governments.

- **[H.R. 4318](#), Endangered Species Litigation Reasonableness Act (Huizenga). Approved 27-15.**

The Endangered Species Litigation Reasonableness Act would prioritize resources towards species protection by placing reasonable caps on attorneys fees and making the ESA consistent with another federal law. The Equal Access to Justice Act limits the hourly rate for prevailing attorney fees to \$125 per hour. However, no such fee cap currently exists under the ESA, and attorneys have often been awarded huge sums of taxpayer-funded money. This bill would put in place the same \$125 per hour cap on attorneys fees for suits filed under the ESA that currently exist under the Equal Access to Justice Act.

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