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**Support Thoughtful, Sensible, and Targeted Improvements to the Endangered Species Act**

**Issue:** When it was originally enacted in 1973, the framers of the Endangered Species Act (ESA) envisioned a law which would protect species believed to be on the brink of extinction. At that time, 109 species were listed for protection**. Today, over 1,450 species in the United States are designated threatened or endangered under the ESA. Further, the U.S. Fish and Wildlife Service (FWS) is on a path to increase the number of listed species by more than 20 percent in the next five years. [[1]](#footnote-1)**

Electric cooperatives support procedural changes to make the ESA more efficient, effective, and less costly, with the goal of finding a balance that accommodates essential economic activities. To ensure fair and sensible application of the Act, scientific information must be thorough, balanced and based on scientific standards and impartial peer review. As true stewards of the land, electric cooperatives support solutions that balance economic growth with preserving native species.

**Status:**

* Last year, House Natural Resources Committee Chairman Doc Hastings (R-WA) and Representative Cynthia Lummis (R-WY) created the Endangered Species Act Congressional Working Group (Working Group). Comprised of Members of Congress from geographically diverse regions, the group gathered extensive public comment on ways to update, improve, and modernize the ESA.
* In February, the Working Group released its final report with over 20 recommendations. The Working Group found that while there is strong support for conserving endangered species, there are key areas where improvements could make the law more effective for both species and people. Although several pieces of ESA reform legislation have been introduced in the House, the Natural Resources Committee, which has jurisdiction over ESA, has prioritized a package of 4 modest legislative proposals aimed at modernizing the Act:
1. **H.R. 4315 (Hastings, [R-WA]):The 21st Century Endangered Species Transparency Act**

Requires data used by federal agencies for ESA listing decisions be made publicly available on the Internet.

1. **H.R. 4316 (Lummis, [R-WY]): The Endangered Species Recovery Transparency Act**

Requires annual reporting and comprehensive tracking of ESA litigation costs, including attorney’s fees.

1. **H.R. 4317 (Neugebauer, [R-TX]):** **The State, Tribal, and Local Species Transparency and Recovery Act** Requires the federal government to disclose to affected states all data used prior to any listing or proposed ESA listing decision. Further, it would ensure that “best available scientific and commercial data” used by the federal government includes data provided by impacted states, tribes, and local governments.
2. **H.R. 4318 (Huizenga, [R-MI]): The Endangered Species Litigation Reasonableness Act**

The bill would cap hourly fees paid to attorneys that prevail in cases filed under ESA, consistent with current law under the Equal Access to Justice Act.

* In addition to our support for the House effort, NRECA commends lawmakers in the Senate who are also focused on modernizing the ESA. However, since Senate action on ESA is unlikely in 2014, NRECA is focused on a multi-year reform strategy. Our near-term goal is to get the House to take up the 4-bill ESA reform package being considered by the House Natural Resources Committee. A bipartisan House vote on these bills will send a strong signal to the Senate and the Administration that ESA is in much need of reform.

**NRECA Position:**

**House: NRECA supports the House ESA reform package of 4 targeted bills to update, improve, and modernize the Endangered Species Act for the 21st century. This includes:**

* H.R. 4315, The 21st Century Endangered Species Transparency Act (Rep. Hastings)
* H.R. 4316, The Endangered Species Recovery Transparency Act (Rep. Lummis)
* H.R. 4317, The State, Tribal, and Local Species Transparency and Recovery Act (Rep. Neugebauer)
* H.R. 4318, The Endangered Species Litigation Reasonableness Act (Rep. Huizenga)

**Senate: NRECA commends Senators who are highlighting the need to reform ESA. We look forward to working with Senators who are taking the lead.**

* **S. 2084, The Community Protection Act of 2014 (Sen. Pryor)**
* **S. 19, ESA Settlement Reform Act (Sen. Cornyn)**

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1. The National Endangered Species Act Reform Coalition, FAQs on the Endangered Species Act [↑](#footnote-ref-1)