

H.R. 3608, the Endangered Species Transparency and Reasonableness Act Tom McClintock (CA-04)

Dear Colleague:

H.R. 3608 is a common sense bill that focuses on targeted updates to the Endangered Species Act (ESA) in the areas of transparency and species recovery.

Congress last renewed the ESA in 1988, long before iPhones, iPads and the World Wide Web. Accordingly, it has been nearly **30 years** since any improvements or updates have been made.

This legislation helps bring the ESA into the 21st Century by making the law more effective for both species and people. Even the Obama Administration's Director of the U.S. Fish and Wildlife Service said that there could be "opportunities to make incremental improvements" to the ESA.

H.R. 3608 requires data used by federal agencies for ESA listing decisions to be made publicly available and accessible through the Internet, allowing the American people to actually see what data is being used to make key listing decisions. The bill also requires 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. 3608 also requires 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) attorney's fees awarded in the course of ESA litigation and settlement agreements. Finally, this bill prioritizes resources towards species protection by placing reasonable caps on attorney's fees and making the ESA consistent with another federal law.

The Equal Access to Justice Act currently 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 attorney's fees for suits filed under the ESA.

With questions or to support this bill, contact richard.stern@mail.house.gov (McClintock) and jeff.small@mail.house.gov (Western Caucus).

Sincerely,

Tom McClintock
Member of Congress

Paul A. Gosar, D.D.S.
Member of Congress