



National Rural Electric  
Cooperative Association  
A Tractor Energy Cooperative

# FAST FACTS

## Support 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**Issue:** When it was originally enacted in 1973, the framers of the Endangered Species Act (ESA) envisioned a law which would protect species believed to be on the brink of extinction.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.**<sup>1</sup>

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:

- In the 113<sup>th</sup> Congress (2013-14), the Endangered Species Act Congressional Working Group (Working Group), comprised of Members of Congress from geographically diverse regions, gathered extensive public comment on ways to update, improve, and modernize the ESA. The Working Group identified several key areas where improvements in the ESA law could make it more effective for both species and people.
- The Natural Resources Committee crafted a package of 4 modest legislative proposals aimed at modernizing the ESA by: requiring data used by federal agencies for ESA listing decisions be made publicly available on the Internet; requiring annual reporting and tracking of ESA litigation costs, including attorneys' fees; requiring the federal government to disclose to affected states all data used prior to a listing or proposed ESA listing decision; and capping hourly fees paid to attorneys that prevail in cases filed under ESA. The legislative package passed the House of Representatives in mid-2014, but was not brought up for consideration in the Senate.
- Some elements of the above legislative package have been re-introduced thus far in the 114<sup>th</sup> Congress. These include:
  - S. 292 (Cornyn [R-TX]): The 21<sup>st</sup> Century Endangered Species Transparency Act. Requires annual reporting and comprehensive tracking of ESA litigation costs, including attorneys' fees.
  - H.R. 585 (Flores [R-TX])/S. 293 (Cornyn [R-TX]): The Endangered Species Act Settlement Reform Act. Gives local governments and stakeholders a say in ESA settlements that affect them by allowing input into ESA settlement negotiations between litigants and the Fish and Wildlife Service.
  - S. 736 (Enzi [R-WY]): 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

<sup>1</sup> The National Endangered Species Act Reform Coalition, FAQs on the Endangered Species Act

or proposed ESA listing decision. Further, it would ensure that “best scientific and commercial data” used by the federal government includes data provided by impacted states, tribes, and local governments.

- NRECA commends lawmakers in the House and Senate who are focused on modernizing the ESA. However, since congressional action on ESA is unlikely to be signed into law during this congressional term, NRECA is focused on a multi-year reform strategy. Our near-term goal is to get Congress to take actions to pass an ESA reform package similar to that which was approved in 2014. A bipartisan vote on these bills will send a strong signal to the Administration that ESA is in much need of reform.

### **NRECA Position:**

**NRECA urges Congress to enact legislation to modernize the ESA, and supports legislation, including H.R. 585, S. 292, S. 293, and S. 736 to update, improve, and modernize the Endangered Species Act for the 21<sup>st</sup> century.**

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