

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

R. BRUCE JOSTEN
EXECUTIVE VICE PRESIDENT
GOVERNMENT AFFAIRS

1615 H STREET, N.W.
WASHINGTON, D.C. 20062-2000
202/463-5310

July 29, 2014

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES:

The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting, and defending America's free enterprise system, strongly supports H.R. 4315, the "Endangered Species Transparency and Reasonableness Act." This bill would bring long-needed reforms to the Endangered Species Act (ESA) by incorporating more transparency, accountability, and better science into how the Act is implemented.

The Chamber recognizes the need to protect certain species threatened with extinction, provided that this protection is done in a reasonable manner and is not used to unnecessarily impede development of lands and natural resources. The Chamber's main objective with the ESA is to ensure that the listing of endangered species and the designation of critical habitats are based upon sound science and the balance of protection of endangered species with the costs of compliance and the rights of property owners.

Unfortunately, the implementation of the ESA over the last four decades has stunted economic development, halted the construction of projects, and burdened landowners – all with very little success in the actual recovery of species. Like so many facets of the regulatory process, the ESA regulatory agenda often has been driven by outside interest groups using the tactic of "sue and settle" in recent years. It is imperative that the federal agencies implementing the ESA strive to bring more transparency and stakeholder input to the process. H.R. 4315 would do just that with the following provisions:

- Requiring that data used by federal agencies for ESA listing decisions be made publicly available and accessible through the Internet;
- Requiring the Administration to track and make available online details on the federal government funds being spent on ESA-related litigation;
- Giving state, local, and tribal groups a larger and more meaningful role in ESA listing decisions; and
- Limiting the award of litigation costs in ESA-related litigation to prevailing parties and place reasonable hourly caps on attorney fees.

The construction of important infrastructure projects, the creation of jobs, and economic prosperity are on the line because of ESA listings. It is imperative that the listing process be

transparent, based upon sound science, and balanced between species protection, compliance costs, and property rights. The reforms outlined in this bill would make those kinds of improvements to the ESA.

The Chamber strongly encourages you to support H.R. 4315, the “Endangered Species Transparency and Reasonableness Act,” because it would bring increased transparency, accountability, and better science to the ESA process. **The Chamber urges you to support H.R. 4315 and may consider votes on, or in relation to, H.R. 4315 in our annual *How They Voted* scorecard.**

Sincerely,

A handwritten signature in black ink, appearing to read "R. Bruce Josten". The signature is fluid and cursive, with a large initial "R" and a long, sweeping tail.

R. Bruce Josten