

**H.R. 6355, the PETITION Act**  
Rep. Bruce Westerman (AR-04)

**Reform the Much-Abused Petition Process of Endangered Species Act**

*This bill will help clear out the petition ‘backlog’ and reduce Interior’s unsustainable legal liability*

Dear Colleague:

**The Endangered Species Act is being litigated to death.** The Providing ESA Timing Improvements That Increase Opportunities for Nonlisting Act, also known as the PETITION Act, aims to help address this problem. The United States Fish and Wildlife Service (USFWS) is instructed by law to issue decisions on petitions within specific timeframes established in the Act. When they miss those timelines, they are vulnerable to lawsuits by petitioners. A final, crucial fact to note: *Anyone* can submit *any number* of petitions containing *any amount of information* – or misinformation.

The combination of these facts has inspired well-funded groups like the Center for Biological Diversity and the Sierra Club to jam USFWS’ queue with hundreds of poorly-studied listing proposals at a time – mostly for species which would never receive a listing under the Act on the merits – in order to overload USFWS by forcing them to expend tremendous resources studying frivolous requests, and ultimately blow past the statutory deadlines. Once that happens, these groups move to file massive suits targeting the petition ‘backlog’ that they just intentionally worked to create.

USFWS has no legal defense for its petition backlog – it *has* blown past the statutory deadlines – so a common outcome of these suits is for USFWS to enter into settlements in which they agree to absurdly fast decisions on species which have not received a balanced review. USFWS is forced to rely on these groups’ data and analysis, which are inevitably biased in favor of a listing at the level of habitat, population levels and species range. In these cases, the real study then takes place once such a species is *already* listed – and we know that once listed, a species is almost never removed.<sup>1</sup>

**Extremist groups funded by leftist billionaires are exploiting the basic framework of the Endangered Species Act to lock up land and water by making use of the open-ended petition process.** Unreformed, the original statute makes USFWS a sitting duck – and an ‘endangered’ one at that.

**This bill reforms that petition process,** allowing the Secretary to declare a ‘petition backlog’ when too many frivolous petitions stack up and USFWS becomes vulnerable to lawsuit. All necessary protections for legitimate species listing requests which contain sufficient, duly-collected scientific information remain in place under this bill. However, petitions designed to jam the system and secure unwarranted species listings are automatically discharged during a backlog.

One important side-effect of these reforms will be that well-funded petitioners will be incentivized to pour their resources into producing legitimate petitions backed by balanced study, and move away from endlessly litigating frivolity in courts.

Congress has been discussing a ‘fix’ to the petition backlog problem for decades – for roughly as long as outside groups have been working to short-circuit the USFWS’ petition process, in fact. This bill implements such a fix so that Congress can step in and prevent illegitimate mass-listings of unqualified, understudied species as well as ensure more resources are going to species that are actually threatened and endangered.

With questions or to support this bill, contact [will.layden@mail.house.gov](mailto:will.layden@mail.house.gov) (Westerman) and [jeff.small@mail.house.gov](mailto:jeff.small@mail.house.gov) (Western Caucus).

Sincerely,

Bruce Westerman  
Member of Congress

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

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<sup>1</sup> Of the 1782 distinct [listings under the Act](#) in the United States, only 54 [have been de-listed due to recovery](#) under the Act.