



**CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE**

June 20, 2014

**H.R. 4318
Endangered Species Litigation Reasonableness Act**

As ordered reported by the House Committee on Natural Resources on April 30, 2014

CBO estimates that implementing H.R. 4318 would have no significant effect on the federal budget. Enacting the bill would reduce direct spending on attorneys' fees over the 2015-2024 period; therefore, pay-as-you-go procedures apply. However, we estimate that any such effects would be negligible. Enacting the bill would not affect revenues.

Under current law, courts can require the U.S. Treasury to pay reasonable attorneys' fees to plaintiffs who prevail against the federal government in cases brought under the Endangered Species Act (ESA). Under the bill, courts would determine the amount of fees to award using guidelines established under the Equal Access to Justice Act (EAJA), which cap attorneys' fees at \$125 per hour but allow for adjustments for cost of living and special factors, such as the limited availability of qualified attorneys for certain cases. Based on historical information regarding the amounts of attorneys' fees paid to plaintiffs under the ESA and EAJA, CBO expects that amounts awarded to attorneys under the bill would be similar to amounts awarded under current law, and we estimate that enacting the bill would have no significant effect on the federal budget.

H.R. 4318 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contacts for this estimate are Jeff LaFave and Daniel Austin. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.