

GRIZZLY BEAR STATE MANAGEMENT ACT

OCTOBER 3, 2025.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WESTERMAN, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 281]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 281) to direct the Secretary of the Interior to reissue a final rule relating to removing the Greater Yellowstone Ecosystem population of grizzly bears from the Federal list of endangered and threatened wildlife, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Grizzly Bear State Management Act”.

SEC. 2. REISSUANCE OF FINAL RULE RELATING TO GREATER YELLOWSTONE ECOSYSTEM POPULATION OF GRIZZLY BEARS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall reissue the final rule entitled “Endangered and Threatened Wildlife and Plants; Removing the Greater Yellowstone Ecosystem Population of Grizzly Bears From the Federal List of Endangered and Threatened Wildlife” (82 Fed. Reg. 30502 (June 30, 2017)) without regard to any other provision of law that applies to the issuance of that final rule.

(b) NO JUDICIAL REVIEW.—The reissuance of the final rule described in subsection (a) (including this section) shall not be subject to judicial review.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 281 is to direct the Secretary of the Interior to reissue a final rule relating to removing the Greater Yellowstone Ecosystem population of grizzly bears from the Federal list of endangered and threatened wildlife, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

This bill would require the Department of the Interior to reissue the 2017 final rule entitled “Endangered and Threatened Wildlife and Plants; Removing the Greater Yellowstone Ecosystem Population of Grizzly Bears from the Federal List of Endangered and Threatened Wildlife” (82 Fed. Reg. 30502 (June 30, 2017)).

The grizzly bear was first listed under the Endangered Species Act (ESA) in 1975 as a threatened species in the lower 48 states. A grizzly bear recovery plan was developed in 1982 and amended in 1993.¹ That recovery plan created six distinct recovery areas across the grizzly bear’s historic range, including the Greater Yellowstone Ecosystem (GYE) which covers parts of the states of Wyoming, Montana, and Idaho.

On March 29, 2007, the U.S. Fish and Wildlife Service (FWS) published a final rule designating the GYE as a distinct population segment and removed GYE bears from the endangered species list. In response, the Greater Yellowstone Coalition sued the FWS, which resulted in the rulemaking being overturned on September 21, 2009, by U.S. District Judge Donald Malloy.² In his decision, Judge Malloy stated that there were inadequate regulations to protect the grizzly bear once delisted and that the FWS did not consider other environmental factors, such as climate change.³ The FWS again published a final rule delisting the grizzly bear within the GYE on June 30, 2017. However, U.S. District Judge Dana L. Christensen overturned the rulemaking on September 24, 2018, holding that the FWS failed to consider how reduced protections for GYE bears would affect other populations and that the FWS’s application of the ESA threat analysis was arbitrary and capricious.⁴

In 2021, the State of Wyoming petitioned the FWS to delist the grizzly bear in the GYE, estimating its population to be 1,069 bears.⁵ This number is well above the recovery goal set by the FWS of at least 500 grizzlies or to maintain an average of 674 bears.⁶ In addition, GYE bears now occupy a land area of nearly 25,000 square miles, an area larger than the states of Connecticut, New Hampshire, and Massachusetts combined.⁷ States in the GYE re-

¹“Grizzly Bear Recovery Plan.” Dr. Christopher Servheen. September 10, 1993. <http://npshistory.com/publications/noca/grizzly-bear/fws.pdf>.

²*Greater Yellowstone Coalition, Inc. v. Servheen*, 672 F.Supp.2d 1105 (D. Mont. 2009).

³“Grizzly Decision Detailed.” Cat Urgbikit. Pinedale Online!. <https://www.pinedaleonline.com/news/2009/09/Grizzlydecisiondetai.htm>.

⁴“Grizzly Bears and the Endangered Species Act.” Jenny Gesley. Congressional Research Service. July 28, 2021. <https://blogs.loc.gov/law/2021/07/grizzly-bears-and-the-endangered-species-act/>.

⁵“Wyoming’s push to delist grizzly bears from endangered species list faces opposition from anti-hunting group.” Michael Lee. Fox News. January 21, 2022. <https://www.foxnews.com/politics/wyoming-delist-grizzly-endangered-species-list-opposition-anti-hunting-group>.

⁶“Grizzly Bear Recovery Program.” 2021 Annual Report. Grizzly Bear Recovery Program. U.S. Fish and Wildlife Service. <https://www.fws.gov/sites/default/files/documents/2021%20GBRP%20Annual%20Report.pdf>.

⁷“Secretary Zinke Announces Recovery and Delisting of Yellowstone Grizzly Bear.” U.S. Department of the Interior. June 27, 2017. <https://www.fws.gov/press-release/2017-06/delisting-yellowstone-grizzly-bear>.

gion, including Wyoming, have formalized grizzly bear management plans in the event the species is delisted. The Wyoming management plan largely adheres to current FWS population goals, prioritizes minimizing human and bear conflicts, and applies conservative management policies within areas outside of national parks.⁸

In response to Wyoming’s petition, the FWS announced on February 3, 2023, that a delisting in the GYE “may be warranted” and initiated a 12-month status review of the species.⁹ On January 8, 2025, the FWS announced that it was denying Wyoming’s petition and instead proposed merging all six distinct recovery areas into one that encompasses almost the entire land mass of the states of Washington, Idaho, Montana, and Wyoming.¹⁰ According to the FWS, the agency is not delisting the GYE population because it would not be considered a “discrete” region, as GYE bears have expanded into other recovery areas.¹¹

The FWS’s decision regarding the grizzly bear is unconscionable and sends a clear signal to the states that their conservation efforts will be used against them. If this decision is allowed to stand, it will further disincentivize states from working with the federal government to recover other listed species.

COMMITTEE ACTION

H.R. 281 was introduced on January 9, 2025, by Representative Harriet Hageman (R-WY). The bill was referred to the Committee on Natural Resources. On July 15, 2025, the Committee on Natural Resources met to consider the bill. Rep. Harriet Hageman (R-WY) offered an Amendment in the Nature of a Substitute designated Hageman 066 ANS. The Amendment in the Nature of a Substitute was agreed to by voice vote. Ranking Member Jared Huffman (D-CA) offered an amendment to the Amendment in the Nature of a Substitute designated Huffman #1. The amendment was not agreed to by a roll call vote of 18 yeas to 20 nays, as follows:

⁸“Wyoming Grizzly Bear Management Plan.” Wyoming Game and Fish Commission. May 11, 2016. <https://wgfd.wyo.gov/WGFD/media/content/PDF/Wildlife/Large%20Carnivore/GBMgmt-Plan-Approved-5-11-2016.pdf>.

⁹“Service to initiate grizzly bear status review in the Northern Continental Divide and Greater Yellowstone ecosystems.” U.S. Fish and Wildlife Service. February 3, 2023. <https://www.fws.gov/press-release/2023-02/service-initiate-grizzly-bear-status-review-northern-continental-divide>.

¹⁰90 FR 4234.

¹¹90 FR 3763 and 90 FR 3783.

Committee on Natural Resources

U.S. House of Representatives

119th Congress

Date: July 15, 2025

Recorded Vote #: 1

Meeting on / Amendment on: **Huffman #1 amendment to Hageman_066 ANS** to H.R. 281 (Rep. Hageman),
 "Grizzly Bear State Management Act of 2025"

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman		X		Mr. Huffman, CA	X		
Mr. Wittman, VA		X		Mr. Neguse, CO	X		
Mr. McClintock, CA		X		Ms. Leger Fernandez, NM	X		
Mr. Gosar, AZ		X		Ms. Stansbury, NM	X		
Mrs. Radewagen, AS				Ms. Hoyle, OR	X		
Mr. LaMalfa, CA		X		Mr. Magaziner, RI	X		
Mr. Webster, FL		X		Mr. Golden, ME	X		
Mr. Fulcher, ID		X		Mr. Min, CA	X		
Mr. Stauber, MN		X		Ms. Dexter, OR	X		
Mr. Tiffany, WI				Mr. Hernández, PR	X		
Ms. Boebert, CO		X		Ms. Randall, WA	X		
Mr. Bentz, OR		X		Ms. Ansari, AZ	X		
Ms. Kiggans, VA		X		Ms. Elfreth, MD	X		
Mr. Hunt, TX				Mr. Gray, CA		X	
Mr. Collins, GA		X		Ms. Rivas, CA	X		
Ms. Hageman, WY		X		Ms. Velázquez, NY			
Mr. Amodei, NV				Mrs. Dingell, MI	X		
Mr. Walberg, MI				Mr. Soto, FL	X		
Mr. Ezell, MS		X		Ms. Brownley, CA	X		
Ms. Maloy, UT		X		Ms. Lee, NV	X		
Mr. McDowell, NC		X					
Mr. Crank, CO		X					
Mr. Begich, AK		X					
Mr. Hurd, CO		X					
Mr. Kennedy, UT				TOTAL:	18	20	

Rep. Val Hoyle (D-OR) offered an amendment to the Amendment in the Nature of a Substitute designated Hoyle #2. The amendment was not agreed to by a roll call vote of 18 yeas to 20 nays, as follows:

Committee on Natural Resources

U.S. House of Representatives

119th Congress

Date: July 15, 2025

Recorded Vote #: 2

Meeting on / Amendment on: **Hoyle #2 amendment to Hageman_066 ANS** to H.R. 281 (Rep. Hageman),
 "Grizzly Bear State Management Act of 2025"

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman		X		Mr. Huffman, CA	X		
Mr. Wittman, VA		X		Mr. Neguse, CO	X		
Mr. McClintock, CA		X		Ms. Leger Fernandez, NM	X		
Mr. Gosar, AZ		X		Ms. Stansbury, NM	X		
Mrs. Radewagen, AS				Ms. Hoyle, OR	X		
Mr. LaMalfa, CA		X		Mr. Magaziner, RI	X		
Mr. Webster, FL		X		Mr. Golden, ME	X		
Mr. Fulcher, ID		X		Mr. Min, CA	X		
Mr. Stauber, MN		X		Ms. Dexter, OR	X		
Mr. Tiffany, WI				Mr. Hernández, PR	X		
Ms. Boebert, CO		X		Ms. Randall, WA	X		
Mr. Bentz, OR		X		Ms. Ansari, AZ	X		
Ms. Kiggans, VA		X		Ms. Elfreth, MD	X		
Mr. Hunt, TX				Mr. Gray, CA		X	
Mr. Collins, GA		X		Ms. Rivas, CA	X		
Ms. Hageman, WY		X		Ms. Velázquez, NY			
Mr. Amodei, NV				Mrs. Dingell, MI	X		
Mr. Walberg, MI				Mr. Soto, FL	X		
Mr. Ezell, MS		X		Ms. Brownley, CA	X		
Ms. Maloy, UT		X		Ms. Lee, NV	X		
Mr. McDowell, NC		X					
Mr. Crank, CO		X					
Mr. Begich, AK		X					
Mr. Hurd, CO		X					
Mr. Kennedy, UT				TOTAL:	18	20	

Ranking Member Jared Huffman (D–CA) offered an amendment to the Amendment in the Nature of a Substitute designated Dingell #3. The amendment was not agreed to by a roll call vote of 18 yeas to 20 nays, as follows:

Committee on Natural Resources

U.S. House of Representatives

119th Congress

Date: July 15, 2025

Recorded Vote #: 3

Meeting on / Amendment on: **Dingell #3 amendment offered by Ranking Member Huffman to Hageman_066** ANS to H.R. 281 (Rep. Hageman), "Grizzly Bear State Management Act of 2025"

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman		X		Mr. Huffman, CA	X		
Mr. Wittman, VA		X		Mr. Neguse, CO	X		
Mr. McClintock, CA		X		Ms. Leger Fernandez, NM	X		
Mr. Gosar, AZ		X		Ms. Stansbury, NM	X		
Mrs. Radewagen, AS				Ms. Hoyle, OR	X		
Mr. LaMalfa, CA		X		Mr. Magaziner, RI	X		
Mr. Webster, FL		X		Mr. Golden, ME	X		
Mr. Fulcher, ID		X		Mr. Min, CA	X		
Mr. Stauber, MN		X		Ms. Dexter, OR	X		
Mr. Tiffany, WI				Mr. Hernández, PR	X		
Ms. Boebert, CO		X		Ms. Randall, WA	X		
Mr. Bentz, OR		X		Ms. Ansari, AZ	X		
Ms. Kiggans, VA		X		Ms. Elfreth, MD	X		
Mr. Hunt, TX				Mr. Gray, CA		X	
Mr. Collins, GA		X		Ms. Rivas, CA	X		
Ms. Hageman, WY		X		Ms. Velázquez, NY			
Mr. Amodei, NV				Mrs. Dingell, MI	X		
Mr. Walberg, MI				Mr. Soto, FL	X		
Mr. Ezell, MS		X		Ms. Brownley, CA	X		
Ms. Maloy, UT		X		Ms. Lee, NV	X		
Mr. McDowell, NC		X					
Mr. Crank, CO		X					
Mr. Begich, AK		X					
Mr. Hurd, CO		X					
Mr. Kennedy, UT				TOTAL:	18	20	

The bill, as amended, was ordered favorably reported to the House of Representatives by a roll call vote of 20 yeas to 19 nays, as follows:

Committee on Natural Resources

U.S. House of Representatives

119th Congress

Date: July 15, 2025

Recorded Vote #: 4

Meeting on / Amendment on: **On Favorably Reporting, as amended, H.R. 281 (Rep. Hageman), "Grizzly Bear State Management Act of 2025"**

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman	X			Mr. Huffman, CA		X	
Mr. Wittman, VA	X			Mr. Neguse, CO		X	
Mr. McClintock, CA	X			Ms. Leger Fernandez, NM		X	
Mr. Gosar, AZ	X			Ms. Stansbury, NM		X	
Mrs. Radewagen, AS				Ms. Hoyle, OR		X	
Mr. LaMalfa, CA	X			Mr. Magaziner, RI		X	
Mr. Webster, FL	X			Mr. Golden, ME		X	
Mr. Fulcher, ID	X			Mr. Min, CA		X	
Mr. Stauber, MN	X			Ms. Dexter, OR		X	
Mr. Tiffany, WI				Mr. Hernández, PR		X	
Ms. Boebert, CO	X			Ms. Randall, WA		X	
Mr. Bentz, OR	X			Ms. Ansari, AZ		X	
Ms. Kiggans, VA	X			Ms. Elfreth, MD		X	
Mr. Hunt, TX				Mr. Gray, CA		X	
Mr. Collins, GA	X			Ms. Rivas, CA		X	
Ms. Hageman, WY	X			Ms. Velázquez, NY			
Mr. Amodei, NV	X			Mrs. Dingell, MI		X	
Mr. Walberg, MI				Mr. Soto, FL		X	
Mr. Ezell, MS	X			Ms. Brownley, CA		X	
Ms. Maloy, UT	X			Ms. Lee, NV		X	
Mr. McDowell, NC	X						
Mr. Crank, CO	X						
Mr. Begich, AK	X						
Mr. Hurd, CO	X						
Mr. Kennedy, UT				TOTAL:	20	19	

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing in the 118th Congress by the Subcommittee on Water, Wildlife and Fisheries held on March 23, 2023.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This Act may be cited as the “Grizzly Bear State Management Act”.

Section 2. Reissuance of final rule related to Greater Yellowstone Ecosystem Population of Grizzly Bears

This section requires that not later than 180 days after the enactment of the act, the Secretary of the Interior shall reissue the final rule entitled “Endangered and Threatened Wildlife and Plants; Removing the Greater Yellowstone Ecosystem Population of Grizzly Bears From the Federal List of Endangered and Threatened Wildlife”. This section also prohibits judicial review of the reissuance of the final rule.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

H.R. 281, Grizzly Bear State Management Act			
As ordered reported by the House Committee on Natural Resources on July 15, 2025			
By Fiscal Year, Millions of Dollars	2025	2025-2030	2025-2035
Direct Spending (Outlays)	0	*	*
Revenues	0	*	*
Increase or Decrease (-) in the Deficit	0	*	*
Spending Subject to Appropriation (Outlays)	*	*	*
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2036?	No	Statutory pay-as-you-go procedures apply? Yes	
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2036?	*	Contains intergovernmental mandate?	Yes, Under Threshold
		Contains private-sector mandate?	Yes, Under Threshold
* = between -\$500,000 and \$500,000.			

H.R. 281 would direct the Department of the Interior, without regard to other provisions of law, to reissue the final rule, “Endangered and Threatened Wildlife and Plants; Removing the Greater Yellowstone Ecosystem Population of Grizzly Bears From the Federal List of Endangered and Threatened Wildlife.” The bill also would exempt that reissued rule from judicial review. The rule was submitted by the U.S. Fish and Wildlife Service (USFWS), published in the *Federal Register* on June 30, 2017, and took effect on July 31, 2017. A court order in 2018 reinstated protection of the grizzly bears as a threatened species under the Endangered Species Act (ESA). Under H.R. 281, the reinstated rule would again remove grizzly bears in the Greater Yellowstone Ecosystem from protection under the ESA.

Under current law, USFWS collects permitting fees for lawful activities that involve protected species, including scientific research, conservation, and unintentional taking of animals while performing permitted activities. Under H.R. 281, permits would no longer be required for such activities involving grizzly bears in the Greater Yellowstone Ecosystem. Permitting fees are recorded in the budget as offsetting receipts (that is, as reductions in direct spending) and are available to be spent without further appropriation. Using information from USFWS, CBO estimates that enacting H.R. 281 would reduce those receipts and the consequent spending by an insignificant amount over the 2025–2035 period so that the net increase in direct spending would be negligible.

Violators of the ESA are subject to civil and criminal penalties, which are recorded in the budget as revenues; those penalties can be spent without further appropriation. Using information from USFWS, CBO estimates that any reductions in penalties and the associated spending would be insignificant because of the small number of related cases expected to occur over the 2025–2035 period.

Under current law, plaintiffs who challenge the federal government under the ESA may be entitled to the repayment of attorneys’ fees. Such payments are made from the federal government’s Judgment Fund, which has a permanent indefinite appropriation. CBO expects that by prohibiting judicial review, H.R. 281 could reduce the number of civil actions that otherwise would be filed and thus the potential for payments from the fund. Based on the amount of such payments in the past, CBO estimates that any decrease in direct spending for those payments would be insignificant over the 2025–2035 period.

Finally, using information from USFWS, CBO estimates that the administrative costs to reissue the regulation under H.R. 281 would be insignificant; any related spending would be subject to the availability of appropriated funds.

H.R. 281 would impose an intergovernmental and private-sector mandate, as defined in the Unfunded Mandates Reform Act (UMRA), by eliminating a right of action for entities to seek a judicial review of the administrative rule required by the bill. Because the rights of action precluded under the bill do not generally result in monetary damages, CBO estimates that the cost of the mandates would fall well below the intergovernmental and private-sector thresholds established in UMRA (\$103 million and \$206 million in 2025, respectively, adjusted annually for inflation).

The CBO staff contacts for this estimate are Lilia Ledezma (for federal costs) and Erich Dvorak (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to direct the Secretary of the Interior to reissue a final rule relating to removing the Greater Yellowstone Ecosystem population of grizzly bears from the Federal list of endangered and threatened wildlife, and for other purposes.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

According to the Congressional Budget Office, H.R. 281 would impose an intergovernmental and private-sector mandate, as defined in the Unfunded Mandates Reform Act (UMRA), by eliminating a right of action for entities to seek a judicial review of the administrative rule required by the bill. Because the rights of action precluded under the bill do not generally result in monetary damages, CBO estimates that the cost of the mandates would fall well below the intergovernmental and private-sector thresholds established in UMRA (\$103 million and \$206 million in 2025, respectively, adjusted annually for inflation).

EXISTING PROGRAMS

Directed Rule Making. This bill directs the Secretary of the Interior, an executive branch official, to reissue the final rule entitled “Endangered and Threatened Wildlife and Plants; Removing the Greater Yellowstone Ecosystem Population of Grizzly Bears From the Federal List of Endangered and Threatened Wildlife” (82 Fed. Reg. 30502 (June 30, 2017)) without regard to any other provision of law that applies to the issuance of that final rule.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

As ordered reported by the Committee on Natural Resources, H.R. 281 would make no changes in existing law.

DISSENTING VIEWS

H.R. 281 would prematurely strip federal protections from Greater Yellowstone Ecosystem (GLE) grizzly bears by mandating the reissuance of an outdated 2017 delisting rule, despite overwhelming scientific evidence that the species continues to face significant threats requiring federal oversight. This legislation would undermine the Endangered Species Act (ESA) by circumventing an ongoing U.S. Fish and Wildlife Service (FWS) review process and explicitly blocking judicial review—removing critical legal safeguards that ensure species protection decisions are grounded in science rather than politics.

The timing of this bill’s introduction on January 9, 2025—just one day after FWS rejected state petitions from Wyoming and Montana to delist grizzly bears—reveals its true purpose as a political response to science-based decision-making. Rather than allowing the expert-led rulemaking process to conclude by January 2026, this bill seeks to override it entirely and reinstate a rule that courts and scientists have found inadequate.

While grizzly bear population numbers have increased from 136 to approximately 730 individuals, population size alone does not constitute species recovery under the ESA. The species continues to face serious threats including genetic bottlenecks, habitat loss, lack of habitat connectivity, climate change, and escalating human conflicts.¹ Alarming, 2024 saw more grizzly bears killed by humans than in any year since their listing 50 years ago, with livestock conflicts being the leading cause of grizzly deaths in 7 of the last 10 years. The FWS documented at least 27 illegal killings of independent-age bears and 6 illegal killings of dependent young between 2002–2023—clear evidence that threats persist.^{2,3}

The FWS published an updated Species Status Assessment (SSA) in October 2024 and proposed a comprehensive new Distinct Population Segment (DPS) approach with revised 4(d) protective regulations based on the best available science.⁴ This represents the most current scientific analysis, yet H.R. 281 would ignore this expertise in favor of an outdated rule that failed to account for ongoing threats.

By removing judicial review, this bill would eliminate transparency and accountability in the ESA process. Courts serve as es-

¹*E.g.*, Haroldson, M.A., B.E. Karabensh, and F.T. van Manen. 2020. Estimating number of females with cubs. Pages 12–18 in F.T. van Manen, M.A. Haroldson, and B.E. Karabensh, editors. Yellowstone grizzly bear investigations: annual report of the Interagency Grizzly Bear Study Team, 2019. U.S. Geological Survey, Bozeman, Montana, USA.

²Drew Caputo, Earthjustice Vice President of Litigation for Lands, Wildlife, and Oceans Statement. January 8, 2025.

³United States Fish and Wildlife Service (USFWS). “USFWS Proposes Update to Grizzly Bear ESA Listing and Management.” Press release. January 8, 2025.

⁴United States Fish and Wildlife Service. “Species Status Assessment for the Grizzly Bear (*Ursus arctos horribilis*) in the Lower-48 States.” October 28, 2024. Last visited on August 14, 2025.

sential checks to ensure delisting decisions meet rigorous legal and scientific standards. Without judicial oversight, the integrity of the ESA is compromised, and decisions become vulnerable to political pressure rather than ecological necessity.

Perhaps most troublingly, H.R. 281 completely ignores federal trust responsibilities with Tribal nations and would eliminate meaningful Tribal consultation. The 3rd most-signed tribal treaty of its kind in 150 years is “The Grizzly: A Treaty of Cooperation, Cultural Revitalization and Restoration”⁵ with more than 170 tribal nations’ signatures. Many Native American cultures hold deep spiritual and cultural connections to grizzly bears that cannot be adequately addressed under standard ESA processes. Blocking judicial review removes the primary avenue for Tribal voices and public input on grizzly management decisions.

The rush to advance this legislation without hearings, straight to the markup, cuts off critical debate on Tribal consultation, scientific updates, and stakeholder concerns. Given the substantial new information and agency actions since similar legislation was last considered, it would be prudent to allow expert testimony from the Department of the Interior (DOI), Tribal representatives, and scientists about current population status and recovery needs.

H.R. 281 prioritizes political expediency over scientific integrity and sets a dangerous precedent for legislating species-specific delisting actions that bypass expert agency review. Rather than supporting this premature delisting that could jeopardize decades of recovery progress, Congress should allow the ongoing FWS rule-making process to conclude and ensure that any delisting decision is truly grounded in the best available science and includes meaningful Tribal consultation.

JARED HUFFMAN,
Ranking Member.

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⁵Indigenous Watch Dog. “The Grizzly: A Treaty of Cooperation, Cultural Revitalization and Restoration.” September 23, 2016.