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## Western Legacy Alliance Takes Tax-Payer Fight to Congress

### Western Legacy Alliance Takes Tax-Payer Fight to Congress

Western Legacy Alliance (WLA) Chairman Jennifer Ellis, Blackfoot Idaho, joined by Lowell Baier, Boone & Crockett, and others exposed the reality of tax payer funded "environmental" litigation before the U.S. House Committee on the Judiciary's Subcommittee on Courts, Commercial and Administrative Law, October 11, 2011, held a hearing on H.R. 1966, the Government Savings Litigation Act.

H.R. 1966, which was introduced by Congresswoman Cynthia Lummis (R-WY), will prohibit non-profit organizations with a net worth exceeding \$7 million from filing for EAJA funds; require that EAJA filers show a "direct and personal monetary interest" in the action to be eligible for payment; and cap the attorney fees environmental activists claim to be owed. Despite claims to the contrary, the legislation does not affect the ability of individual citizens and small businesses to utilize EAJA when defending themselves against the federal government, says WLA attorney Karen Budd-Falen, Cheyenne, Wyoming.

It was Budd-Falen's research on behalf of WLA that uncovered the literally tens of millions of dollars that have been pouring into the coffers of multi-millionaire groups like the Sierra Club, the Defenders of Wildlife and countless others.

The current Equal Access to Justice Act (EAJA) allows plaintiffs to recover attorney fees and other expenses from the federal government when they prevail or settle cases against the government.

"Government funding of groups suing the federal government has literally become a cottage industry in the so-called environmental community," according to Ellis, who traveled to Capitol Hill to testify on behalf of natural resources users. Budd-Falen's research indicates that over the past decade, just 12 environmental groups have filed more than 3,300 lawsuits, recovering more than \$37 million in EAJA funds.

"Because the federal government stopped keeping records on these payments in 1995," Budd-Falen explained, "this is just the tip of the iceberg in payments. There are hundreds of groups who are using the courts to remove productive use of lands and getting paid for their actions, often regardless of whether they win or not. The mere filing of a suit often results in payments.

"As a rancher, I pay for this litigation three times," Ellis told the Committee. "My tax dollars fund the federal lawyers and agencies to participate in this litigation; I am forced to hire an attorney to protect my own interests, and my tax dollars fund those using the courts to drive my family from the land."

The October 11, 2011 hearing is just a small step in correcting a problem that has not only been costly for every American, but has been devastating to those who utilize and enjoy natural resources including energy production, mineral production, livestock production and recreation, said Budd-Falen. A similar measure has been introduced in the U.S. Senate. A measure must clear both houses and gain the signature of the President before the problem will be solved.

H.R. 1966 is supported by numerous state and national organizations including the National Cattlemen's Beef Association, the American Sheep Industry Association, the Public Lands Council, the New Mexico Cattle Growers' Association, the New Mexico Wool Growers, Inc. and the New Mexico Federal Lands Council.

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