

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

THREATENED AND ENDANGERED SPECIES RECOVERY ACT OF 2005

The Committee resumed its sitting.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, would the chairman of the Committee on Resources agree to enter into a colloquy?

Mr. POMBO. Yes, Mr. Chairman.

Mrs. CUBIN. Mr. Chairman, it has come to my attention that certain Federal agencies with permitting, licensing, and leasing authority are requiring some of my constituents to agree to stipulations in their coal leases that go beyond protecting threatened or endangered species. For example, before the Bureau of Land Management will issue a lease, they require the lessee to agree to potential modifications in the lease. These modifications can be based not only on species that are threatened or endangered, but also on species that are proposed to be listed, candidate species, and distinct population segments.

Section 10 of the bill authorizes cooperative agreements between Federal agencies and States that cover candidate species and any other species that the State and the Secretary agree is at risk of being listed as an endangered or threatened species. Is the intent of the legislation to broaden the scope of the ESA by allowing the government to regulate species that are not yet threatened or endangered by imposing new potential regulatory requirements, withholding of permits and licenses, or requiring special stipulations on Federal leases?

Mr. POMBO. Mr. Chairman, will the gentlewoman yield?

Mrs. CUBIN. I yield to the gentleman from California.

Mr. POMBO. No, Mr. Chairman. It is not in there.

Mrs. CUBIN. Mr. Chairman, reclaiming my time, I thank the chairman for his answer. That was the way that I read the bill too, and I wanted the congressional intent to be on the record.

Mr. RAHALL. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, Psalms 104, verses 25, 30: "In wisdom You made them all, the earth is full of Your creatures. There is the sea, vast and spacious, teeming with creatures beyond number, living things both large and small . . . When You send Your spirit, they are created and You renew the earth."

Such is the appropriate Biblical quote, I say to my colleagues, that should guide our deliberations today on this particular legislation.

Species keep people alive. In the earlier comment, I stated that there are

numerous Members of this body, perhaps to the person, who could tell of horror stories involved with the administration of the current Endangered Species Act. And while some of those stories are probably valid and have their good points, the current regime, as I also previously stated, has not been working. It has not been working because it has not been adequately funded nor administered by the current administration. Funding is a problem. Funding perhaps would have solved many of these horror stories to which Members of this body refer.

But this particular legislation, as we have heard throughout the debate on this general debate and we will hear more during the amendment process, is an expensive proposition. If we could not fund the regime that exists today that implements the ESA, how, I ask, are we going to fund an even more expensive regime that is set up by the pending legislation? A compensation program to property owners that truly is going to cause us to go further into deficit spending. The legislation would increase direct spending by requiring the Secretary of the Interior to pay aid to private landowners who are prohibited from using their property under certain circumstances. That means money, I say to my colleagues. That means appropriations from this body's Committee on Appropriations, at a time when we are finding tremendous costs being imposed upon the taxpayers that was unexpected 2 or 3 months ago.

At a time when we are already cutting Bureau of Reclamation projects, western water projects, Indian programs, our national parks. Indeed, there are some in this administration that would sell our national parks and other public lands in order to address our ever-mounting deficit. This legislation will only exacerbate our deficit problems.

And as I have said and referred to in earlier responses, why should we care about critters? Those who criticize this Act refer to the supporters of the Act as being more concerned about critters than human beings. I will tell them why we should be concerned about critters, why we should care about the Endangered Species Act.

Nowhere should that care be more evident than in the world of medicine. Anytime we allow a species to go extinct, we lose enormous potential to understand and improve our world. Nearly 50 percent of all our medical prescriptions, for example, dispensed annually in our country, are derived from nature or modified to mimic natural substances. Yet we have only investigated about 2 percent of the more than 250,000 known plant species for their possible medical breakthroughs. The extinction of a single species may mean the loss of the next effective treatment for cancer, for AIDS, or for heart disease. Mold fungus led to the development of Penicillin over 50 years ago. Mold fungus, it has saved countless lives in recent generations, and it

continues to do so every day. Morphine and codeine, both made from poppy plants, are among the most widely used medications in the world today. Venoms from snakes have led to important medications, including an important drug to control blood pressure.

Even insects have their value in medicine. We now know that the genes that turn out to form a heart in a fruit fly are actually the same genes that form hearts in higher animals and people.

Again, quoting from the Bible, from Ecclesiastes: "Man's fate is like that of the animals; the same fate awaits them both: As one dies, so dies the other. All have the same breath."

Mr. Chairman, at the appropriate time, I will be speaking on the manager's amendment and I will also be speaking in support of the substitute amendment that will be offered. As I said in my opening comments, I introduced these negotiations in good faith with the gentleman from California (Mr. POMBO), my chairman, because I thought there was not adequate funding to enforce the current endangered species law, and those negotiations were conducted in good faith, and we came quite close, and he will say probably that 90 percent of the current bill is a bill upon which I agree.

But at the same time, in the manager's amendment that will be coming up, there were changes made in literally the last minute that came very close to violating the good-faith negotiations that were ongoing on this legislation. I will speak to that at the proper time.

But I will say at this point that this legislation needs to be defeated, the substitute that will be offered needs to be supported, and we need to look very seriously at how we can enforce better the endangered species laws on the books today rather than the overhaul that exists in the pending legislation, and I urge defeat of the legislation.

Mr. Chairman, I yield back the balance of my time.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Mr. Chairman, I thank the chairman for yielding me this time to speak on an issue that is very important to me and my constituents.

The Endangered Species Act plays a prominent role in my State of Missouri with over 25 endangered and threatened species located within the borders and nine in my district.

Mr. Chairman, the ESA is broken and needs to be fixed. Over the last 30 years, less than 1 percent of all listed species have been removed, and most of them have been removed because of poor data. I thought the intent of the ESA was to recover species and not leave them on the list indefinitely. Also, landowners seem to be getting cheated when species are identified on their property resulting in lower property values, less production and limited use. These unintended adverse impacts have resulted in a law that is