We've got to ask ourselves who really needs to be protected here?

Is it our planet, our future? Or is it the right of some developer to build a strip mall?

I urge my colleagues to vote against this cynical attempt to gut the endangered species act.

A PROCLAMATION THANKING MATT SMITH FOR HIS SERVICE TO OUR COUNTRY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2005

Mr. NEY. Mr. Speaker:

Whereas, Matt Smith served in Iraq and is the recipient of numerous awards including the Meritorious Service Award, the Purple Heart, the Global War on Terrorism Medal, and the National Defense Service Medal; and

Whereas, Matt Smith is to be commended for the honor and bravery that he displayed while serving our Nation in this time of war; and

Whereas, Matt Smith has demonstrated a commitment to meet challenges with enthusiasm, confidence, and outstanding service;

Therefore, I join with the family, friends, and residents of the entire 18th Congressional District of Ohio in thanking Matt Smith for his service to our country and wishing him the best of luck in all his future endeavors. Your service has made us proud.

17TH ANNUAL DENTON COUNTY FIREFIGHTERS MEMORIAL SERVICE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2005

Mr. BURGESS. Mr. Speaker, I rise today to honor the fallen men and women firefighters who selflessly dedicated their lives to our communities.

Each October, a grateful Nation honors its fallen fire heroes during the National Fire Prevention Week. Fire Prevention Week is a great opportunity to educate all citizens about the dangers of fire and the steps they can take to protect themselves. Each year, more than 4,200 Americans lose their lives to fire. That's more deaths by fire each year than all other natural disasters combined. National Fire Prevention Week has been observed since 1922 the week of October 9th. This marks the date of the Great Chicago Fire in 1871. In that tragic conflagration, more than 250 people were killed. 100,000 were left homeless, 17,400 structures were destroyed, and more than 2000 acres burned.

I want to thank Denton's First United Methodist Church for hosting a special service in honor of those who gave their lives for those of us residing in Denton County. The service and the processional to the Denton County Firefighters Memorial Park that concluded the memorial service truly honors these heroic men and women. This year marks the 17th Annual Memorial Service in Denton County.

I extend my condolences and appreciation to the families and the communities of these fallen firefighters. This memorial service acts as a tribute to the brave men and women of America's fire service.

TRIBUTE TO THE VILLAGE OF NELSONVILLE, NEW YORK

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2005

Mrs. KELLY. Mr. Speaker, I rise today to honor the village of Nelsonville, New York, which this month celebrates its sesquicentennial. I extend my sincere congratulations to town officials, residents and supporters on this occasion, which symbolizes an accumulation of 150 years of hard work and diligence by a community.

On an early autumn day in October 1855, the village of Nelsonville was born and with it a quaint community founded on good will and hard work. Some say the essence of the village can be seen in the elaborate picture painted by the landscape of historical buildings on the village's timeless Main Street. This can be seen in the current Village Hall which, prior to 1955, housed the local the Fish and Fur Club for over half a century.

Nelsonville commemorates their 150th Anniversary this month with a parade which surely will prove memorable as local leaders, organizations and community members come together to remember an impressive history that has provided the building blocks for an promising future.

Undoubtedly, the success of Nelsonville could not have been realized without the support and kinship of the surrounding town of Philipstown and Putnam County. For years to come, Nelsonville will remain a great place to live following the lessons of the past and by continuing participation in camaraderie with surrounding communities.

There have been over 30 mayors since the village's inception. From Mayor Purdy in 1855 to Mayor Mitch Dul in 2005, the village has seen many challenges, but has always stayed on steady course. The village retains a timeless quality easily identifiable by those taking a walk down its streets. On behalf of the people of the 19th Congressional District of New York, I wish Nelsonville continued success and another 150 exceptional and prosperous years.

THREATENED AND ENDANGERED SPECIES RECOVERY ACT OF 2005

SPEECH OF

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill. (H.R. 3824) to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes:

Mr. MEEHAN. Mr. Chairman, I rise today in opposition to the so-called ''Threatened and Endangered Species Recovery Act,'' (TESRA). The sponsors of TESRA claim that they want to ''reform'' the ESA because it's not helping enough threatened and endangered species recover. In reality, it is aimed at weakening, dismantling, and rendering unenforceable the Endangered Species Act, ESA.

The original Endangered Species Act was a bipartisan effort to protect our natural heritage. Yet today, as we consider how to update and modernize that legislation, we are presented not with a truly bipartisan bill, but a massive special interest giveaway that guts ESA despite a thirty year track record of success. A vote for the passage of TESRA is a vote to abdicate responsible environmental policy and to create a new form of corporate welfare.

Since the enactment of the Endangered Species Act in 1973, tens of millions of acres of land in the United States have been managed for conservation purposes. As a result, of the 1800 species protected under ESA, we have lost only 9 to extinction. That's a 99 percent success rate on extinction prevention.

TESRA's most fundamental change abandons the basic priority of the Endangered Species Act: the commitment to species recovery. The overarching goal of ESA is to bring species back from the brink of extinction to the point where they no longer need to be given special protection. TESRA alters that mission by effectively negating the goal of species recovery. TESRA specifically eliminates the requirement that the Federal Government attempt to restore species to healthy population levels.

Furthermore, under TESRA any species recovery plan the government might conceive would be non-binding. Had ESA had these guidelines in place since 1973, the recovery of many species, including the peregrine falcon and the American alligator, would have been almost inconceivable. In the case of the alligator, recovery was so successful that we are now even able to implement controlled farming of the restored population.

There are two areas of the bill which I found particularly problematic and sought to address through amendments. My first amendment would strike language from TESRA that would turn back the clock on the scientific determination of an endangered species. My second amendment would strike language from TESRA that creates a very dangerous precedent: setting up a system where the government pays people for obeying the law.

Rather than offer these separately on the floor, I am pleased to see their substance included in the bipartisan Miller-Boehlert substitute that we will be considering today.

The use of science is of special importance in the implementation of the species protection program. Rather than using the best available science for species protection, TESRA explicitly prohibits the government from using advanced, modern scientific tools like statistical modeling that we have at our disposal today and that assist us in the implementation of ESA.

By taking away these cutting edge tools, TESRA would make it exceedingly difficult to make determinations on the status of any species whose populations are small, isolated, and scattered. The result will be a weakened and limited scientific process in decisions made under the act, more obstacles and less protection. The substitute bill restores ESA's original approach to science, which is to use the best science available to help save and recover endangered species.

My second proposed amendment addresses a trouble area in TESRA introducing a requirement that the Federal Government actually pay developers and polluters to comply with the law. This provision would have serious and widespread implications: it sets a dangerous precedent in environmental protection. This amounts to a new entitlement program that would result in a windfall for land developers and speculators—at the expense of the taxpayers and the species we seek to protect under ESA.

This provision of TESRA is part of a broader movement to treat all environmental regulation as a form of ''property taking'' that requires government compensation. It is a novel legal theory that would strike at the heart of virtually every piece of environmental regulation ever passed. The proposal under TESRA is particularly ripe for abuse because it sets no cap or limitations. Under TESRA, someone could purchase cheap land, announce an intention to develop on it, and then demand a check from the government compensating them for the much higher value of the developed property, all without ever even intending to break ground. The same developer could conceivably come back an unlimited number of times for an unlimited number of ''projects''. My amendment, the substance of which is mirrored in the Miller-Boehlert substitute, strikes this payment scheme entirely.

I strongly urge my colleagues to oppose the TESRA roll back of the Endangered Species Act and to support the bipartisan Miller-Boehlert substitute to preserve and strengthen one of the most successful pieces of environmental legislation in 30 years.

THE FEDERAL MINERAL DEVELOPMENT AND LAND PROTECTION EQUITY ACT OF 2005

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2005

Mr. RAHALL. Mr. Speaker, on March 1, 1872, President Ulysses S. Grant signed into law a bill creating the world's first national park: Yellowstone. Known from its inception as ''nature's wonderland'', Yellowstone has embodied a simple and straightforward concept of a place unexploited and unspoiled by economic or other development.

In 1872, the vast wilderness of the west was viewed by most Americans as something to be tamed, to be explored, settled, mined, logged, ranched, and farmed. Most people at that time did not value the west for its wilderness, but rather for the material and economic treasures that it could yield. It is therefore remarkable that during such an age, Congress set aside an area roughly the size of my home State, West Virginia, as the world's first national park—an area that would be closed to farming, timbering, mining and open to all Americans for present and future recreation use.

Several months after the 54th Congress created Yellowstone, they sent the General Mining Law to President Grant for signature. Following on the heels of the California Gold Rush, the Mining Law of 1872 was enacted in order to promote orderly mineral exploration and development of the West and to provide certainty and legal protections to those Americans willing to take on the task. It is first and foremost a land law; it does not contain environmental or public health and safety provisions.

The Mining Law of 1872 has, like Yellowstone, remained largely intact and unchanged over the past 133 years. While most people would agree that the continued preservation of Yellowstone is a good thing, most would disagree that maintaining and preserving the Mining Law of 1872 is a good thing. To keep a law on the books that has no environmental protection provisions, prevents the Federal Government from stopping ill-advised proposed mines on Federal lands, and has left the headwaters of 40 percent of western waterways polluted by mining, is irresponsible and just plain ridiculous.

Even more absurd, the 1872 Mining Law also allows extraction of valuable minerals from the public domain without payment of royalties to taxpayers and at the same time allows mining companies to purchase mineral rich public lands for no more than $5 an acre irrespective of lands true value. In recognition of the fiscal irresponsibility of this situation, Congress has since 1994, annually placed moratoria on mineral claim patents in appropriations bills, most recently in the fiscal year 2005 Consolidated Appropriations Act, allowing only patents applied for prior to 1994 to be processed. However, it is far past the time for this moratorium to become permanent rather than being subject to annual renewal.

To be sure, Congress has attempted to comprehensively reform the Mining Law at various times over its history—each time to be thwarted by powerful mining interests. Former Congressman Mo Udall came close in the 1970s. During the 102nd Congress in 1991, I introduced mining reform legislation and we came close to enacting legislation in 1994 that would have updated this archaic law. Unfortunately, at the last moment, after both the House and the Senate had passed separate bills, the conference failed to reach a compromise and the rest, as they say, is history. Since then, I have re-introduced reform legislation in each succeeding Congress.

Today, Representatives JAY INSLEE, CHRISTOPHER SHAYS, and I, joined by our colleagues, MAURICE HINCHEY, DENNIS KUCINICH, EARL BLUMENAUER, GEORGE MILLER, and RAÚL GRIJALVA are introducing legislation similar to what we introduced in earlier Congresses. However, this bill differs from past efforts in one significant way. The Federal Mineral Development and Land Protection Equity Act of 2005 has as its centerpiece, the recognition that there are special places, often sacred sites, that should be off-limits to hardrock mining. This simple but important provision is necessary because under the 1872 Mining Law, the Federal Government can not stop a valid mining claim from being developed on public lands, regardless of what other values are present.

For example, the proposed site for a 1,600-acre, open-pit gold mine in Indian Pass, California, is the sacred place where Quechan Indian tribes ''dream trails'' were woven. The Bush administration revoked a Clinton-era ruling that said mining operations would cause undue impairment to these ancestral lands, an extremely sacred place to the Quechan Indian tribe. Now the tribe is left fighting for its religious and cultural history. Although the State of California has taken action to help protect this site, the Federal Government remains poised to permit the gold mine.

Sadly, the threat to Indian Pass is not unique. American Indians, the first Americans, were the first stewards of this land. They respected the earth, water and air. They understood you take only what you need and leave the rest. They demonstrated that you do not desecrate that which is sacred. Most Americans understand a reverence for the great Sistine Chapel, or the United States Capitol. However, there are times when we have difficulty applying the same reverence we give to our sacred man-made places to a mountain, valley, stream or rock formation held sacred to Native Americans.

The Federal Mineral Development and Land Protection Equity Act of 2005 has as its centerpiece, the recognition that there are special places, often sacred sites, that should be off-limits to hardrock mining. Our mining law reform legislation also recognizes that there are other special places in the U.S. with spectacular natural and cultural resources and values that should be protected from the unavoidable, and often irreversible, damage caused by hardrock mining.

Our legislation would bring hardrock mining law into the 21st century. It would protect precious water resources from toxic mine waste with much needed environmental standards, and prevent mining industry rip-offs by requiring the industry to pay a production-related royalty on the extraction of publicly owned minerals. It would also prevent mining operations from endangering federally designated wilderness areas and other special places by requiring land managers to weigh mine proposals against other potential land uses when making permitting decisions.

The lack of a royalty in the 1872 Mining Law and the absence of deterrents or penalties for irresponsible mining have caused enormous taxpayer giveaways and liabilities. Under the Mining Law the Federal Government has given away over $245 billion in mineral rich public lands. In return, the mining industry has left taxpayers with a cleanup bill, for their business and mining practices, estimated to be in the range of $32 to $72 billion for hundreds of thousands of abandoned mines that pollute the western landscape.

It is time, well past time, that the Congress replace this archaic law with one that reflects contemporary economic, environmental and cultural values. Insuring a fair return to the public in exchange for the disposition of public resources, and properly managing our public lands are neither Republican nor Democratic issues. They are simply ones that make sense if we are to be good stewards of America's lands and meet our responsibilities to the American people.

Mr. Speaker, during the years I have labored to reform the Mining Law of 1872 those who defend its privileges—and it is indeed a privilege to be deemed the highest and best use of our public domain lands—have often alleged that my mining reform legislation fails to take into account the contribution of hardrock mining to area economies. They claim that reform would have dire consequences on the industry, that if we did not provide the industry with unfettered access to public lands and public minerals, the industry could no longer survive.

Let me just say that there is no member in the House of Representatives whose Congressional District is more dependent upon mining