

THREATENED AND ENDANGERED  
SPECIES RECOVERY ACT OF 2005

SPEECH OF

**HON. RICHARD W. POMBO**

OF CALIFORNIA

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. Chairman, regarding the authority of Indian tribes under H.R. 3824, nothing in the Threatened and Endangered Species Recovery Act is intended, or shall be construed to expand, diminish or alter the authority of Indian tribes, as defined in this bill, with respect to the management of fish and wildlife on non-reservation lands.

In Addition, H.R. 3824 repeals the Endangered Species Act critical habitat requirements; however, it preserves the impact analysis requirement at the time of listing. Using language similar to that now located at Endangered Species Act section 4(b)(2), 16 U.S.C. 1533(b)(2), FWS is required to analyze the economic impact and benefit of the listing determination; the impact and benefit on national security of that determination; and any other relevant impact and benefit of that determination. For each listing, the Fish and Wildlife Service analysis may conclude that there is no benefit, or it may conclude that there is a benefit, and that benefit must be based on reasonably ascertainable and calculable data. H.R. 3824 clarifies that the listing decision continues to be made solely on the basis of the criteria enumerated in section 4(a)(1).

H.R. 3824 requires, and the Resources Committee fully expects, that the Fish and Wildlife Service will perform this analysis concurrently with all listing decisions. Further, by expanding the scope of the analysis to include all consequences of the listing (rather than those attributable to critical habitat designation), the Committee expects the impact analyses under H.R. 3824 will be better and more useful than those prepared under current law. This impact analysis requirement will provide not only legal notice, but truly meaningful information concerning proposed listing decisions to all those affected, including individuals, corporations, property owners, State and local governments, the military services, and other Federal agencies. It is expected that this opportunity for greater participation by all potentially affected parties at the front end of the listing process will provide additional assurance that the Fish and Wildlife Service will adequately consider all relevant data associated with each proposal to list a species. Further, the Committee expects that the Fish and Wildlife Service will take advantage of developments that have occurred in genetics testing and other technical advances in the years since enactment of the original Endangered Species Act, to make the most scientifically sound listing decisions possible.

THREATENED AND ENDANGERED  
SPECIES RECOVERY ACT OF 2005

SPEECH OF

**HON. C. L. "BUTCH" OTTER**

OF IDAHO

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. Chairman, recently the House of Representatives passed H.R. 3824, the "Threatened and Endangered Species Act of 2005." During floor consideration of this important measure, the distinguished Chairman of the Resources Committee, Richard Pombo, offered an en bloc amendment to the bill. This amendment, which was adopted, included my provision to require the four Power Marketing Administrations, PMAs, to list Endangered Species Act-related costs as a line-item in each of their customers' monthly billings. These agencies—the Bonneville Power Administration, the Western Area Power Administration, the Southwestern Power Administration and the Southeastern Power Administration—market the surplus hydropower generated at Federal dams, selling this electricity to 1,450 wholesale customers throughout the Nation. These customers, in turn, provide this federally generated electricity to almost 54 million retail consumers.

The Endangered Species Act substantially impacts Federal electricity service and rates. For instance, the Bonneville Power Administration and the Western Area Power Administration experience high, double-digit compliance costs for Endangered Species Act and related statutes. During a hearing earlier this year, the House Resources Committee found that compliance played a significant role in recent rate increases and led to higher energy costs that were passed directly to consumers.

The Bonneville Power Administration spends the most of all Federal agencies to comply with the requirements of the Endangered Species Act. It also has similar responsibilities under the Northwest Power Act. Many have pushed the agency to increase the accountability of its rapidly growing fish and wildlife programs and to develop measurable performance objectives that will lead to long-term stability and recovery of certain species. The intent of this provision, however, is limited to requiring that the PMAs notify electric power customers how these programs impact their monthly electric rates.

As the bill language in Section 23 makes clear, the agency and the other PMAs shall inform their customers of all the direct and indirect costs associated with meeting Endangered Species Act and other related fish and wildlife obligations. While the PMAs have provided general costs associated with the Endangered Species Act in past years, the agencies have not provided their customers a detailed or "unbundled" explanation of these costs. This section simply gives electricity consumers the right to know how much of their monthly bills are being used to comply with the requirements of the Endangered Species Act and related programs. That enables cus-

tomers to make informed decisions about their energy choices, as well as to better understand the market implications of public policies. Without such information, customers are deprived of the kind of cost signal that is essential to an efficient free-market economy.

It is my understanding that the authorizing committees expect the PMAs to provide a detailed explanation of these monthly costs in a readable and transparent format. It is important that the PMAs consult with their customers before implementing this provision. In addition, it is my understanding that the PMAs can comply with this section without hiring additional staff or upgrading computer systems since it simply involves the creation of new computer billing codes.

Mr. Chairman, in conclusion, I thank Chairman POMBO for including my provision in H.R. 3824. I look forward to working with him and my Senate colleagues in seeing this important bill enacted.

## PERSONAL EXPLANATION

**HON. EARL BLUMENAUER**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2005*

Mr. BLUMENAUER. Mr. Speaker, had I been present for the following vote on Tuesday, September 27 and Wednesday, September 28, 2005, I would have voted as follows:

Rollcall vote 501: I would have voted "aye" on the Department of Justice Authorization Act, H.R. 3402. Despite passage of the Manager's amendment, this bill does ensure that programs which help prevent violence and assist survivors are continued. I also support provisions in this bill that help local communities with additional resources to provide better support and security to victims of domestic violence.

Rollcall vote 500: I would have voted "aye" on the Democratic Motion to Recommit, offered by Representative STUPAK, which would have given the Justice Department authority to prosecute oil companies engaged in price gouging.

Rollcall vote 499: I would have voted "nay" on the Managers Amendment offered by Representative SENSENBRENNER. The amendment significantly weakens the bill's emphasis on domestic violence grant funding for communities of color. Racial and ethnic minorities already face complex issues in reporting and accessing assistance for domestic violence; we cannot shortchange this population.

Rollcall vote 498: I would have voted "nay" on the Rule for consideration of H.R. 3402, because it did not allow for consideration of many important Democratic and bipartisan amendments.

Rollcall vote 497: I would have voted "aye" on the Motion to Instruct Conferees on H.R. 2360, offered by Representative SABO, which would have prevented the reorganization of the Department of Homeland Security from further weakening federal emergency preparedness capability.

Rollcall vote 496: I would have voted "aye" on H. Con. Res. 209, supporting the goals and ideals of Domestic Violence Awareness Month and expressing the sense of Congress that Congress should raise awareness of domestic

violence in the United States and its devastating effects on families.

Rollcall vote 495: I would have voted "aye" on H.R. 438, a bill to name a postal facility in Berkeley, California, after Maudelle Shirek. Ms. Shirek has provided a significant service to this country fighting against injustice, poverty, and housing discrimination.

Rollcall vote 494: I would have voted "aye" on H.J. Res. 66, supporting the goals and ideals of "Lights On Afterschool," a national celebration of after-school programs.

IN HONOR OF GARY ANUND  
KNUTSON

**HON. SAM FARR**

OF CALIFORNIA  
IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2005

Mr. FARR. Mr. Speaker, I rise today to honor and thank Gary Anund Knutson, a dedicated public servant. Mr. Knutson, County Auditor-Controller of Santa Cruz, will retire after 35 years of public service, 19 of which were spent as the County Auditor-Controller. Mr. Knutson will be retiring on December 30, 2005, bringing an end to nearly four decades of outstanding service.

Mr. Knutson, who has spent a great deal of time maintaining a great working environment in his office, has decided to pursue other ambitions. His retirement will be enjoyed spending time on other personal activities. Mr. Knutson has done an exceptional job and his service is truly appreciated.

Mr. Speaker, when he retires, Gary Anund Knutson will be leaving behind 35 years of excellence and professionalism. I applaud Mr. Knutson for his work and contributions. He has left a lasting impact on his community, and we would like to wish him well in his upcoming retirement.

ON THE OCCASION OF TAIWAN'S  
NATIONAL DAY OF CELEBRATION

**HON. G. K. BUTTERFIELD**

OF NORTH CAROLINA  
IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2005

Mr. BUTTERFIELD. Mr. Speaker, the Republic of China (Taiwan) will be celebrating its National Day this October 10, and I wish to express my congratulations to Taiwan President Chen Shuibian and the people of Taiwan.

Over the years, Taiwan and the United States have enjoyed strong trading relations. Trade between our two countries have been growing steadily. As a member of the House Agriculture Committee, I notice that Taiwan is one of our best buyers of agricultural products and services. Last month, Taiwan sent an agricultural goodwill mission to the United States and it pledged to purchase more than three billions dollars worth of U.S. corn, wheat, soybeans and hide in the next two years. I will encourage farmers in my home state of North Carolina to take advantage of Taiwan's "Buy American" program.

Also, as a member of the Armed Services Committee, I am hopeful that there will be permanent peace and stability in the Taiwan Strait in the very near future.

Mr. Speaker, I take this opportunity to praise the good work of Taiwan Representative David Tawei Lee. He is a fine diplomat who has kept us informed and well briefed on all of the latest developments in Taiwan.

Happy Birthday to Taiwan.

RECOGNITION OF DR. KERRY  
CLEGG

**HON. HOWARD P. "BUCK" McKEON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2005

Mr. McKEON. Mr. Speaker, I rise to recognize Dr. Kerry Clegg, a school board member for the Sulphur Springs Union Elementary School District in my district, for his service as the 2004-2005 President of the California School Boards Association.

As a sixteen year member of the Sulphur Springs Union Elementary School District board of trustees, Dr. Clegg served three terms as president. In addition, Dr. Clegg served as president and secretary-treasurer for the Santa Clarita Valley School Trustees Association.

His contributions to the California School Boards Association have distinguished him as instrumental in answering the needs of California schools. In addition to his role as president this past year, Dr. Clegg served as a representative in CSBA's Delegate Assembly and as an active member of CSBA's Board of Directors for four years. Among Dr. Clegg's further contributions to the CSBA are his roles on CSBA's Budget Committee, Nominating Committee, Policy Platform Committee, Federal Issues Council, K-Higher Education Remediation Task Force, and as a site validator for CSBA's Golden Bell Awards. In 2004, Dr. Clegg also chaired CSBA's Legislative Committee, and this year, he is chairing the Joint Task Force on Science, the Education Legal Alliance Steering Committee, and the Superintendents Council. His contributions are currently reaching a national level as he serves as a delegate to the National School Boards Association.

Dr. Kerry Clegg graduated from the University of California, Los Angeles with a doctorate in Biology. Outside of his California School Boards Association duties, Dr. Clegg is a biological research manager for Sepulveda Research Corporation, and is also the CEO of a local Federal Credit Union. He and his wife, Rosanna, have five children.

Mr. Speaker, I ask my colleagues to join me in thanking Dr. Kerry Clegg for his service to the Sulphur Springs Union Elementary School District and for his service as president of the California School Boards Association.

CONGRATULATIONS TO THE  
UNITED STATES CAPITOL PAGE  
SCHOOL CLASS OF 1981 ON THEIR  
REUNION

**HON. MICHAEL E. CAPUANO**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2005

Mr. CAPUANO. Mr. Speaker, it is great pride that I rise to congratulate the United

States Capitol Page School Class of 1981 on their upcoming 25th anniversary. The Class of 1981 served the Congress honorably both in this chamber and in the other body.

Over the past 25 years these young men and women have started families and become leaders in our society.

As they gather in our Nation's Capital for their reunion this weekend, I offer my congratulations on behalf this body and ask all of my colleagues to welcome them back to the hallowed halls of Congress.

HONORING NATIONAL SCHOOL  
LUNCH WEEK

**HON. JOHN A. BOEHNER**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2005

Mr. BOEHNER. Mr. Speaker, it is with great pleasure that I recognize National School Lunch Week. This year, the event is being held during the week of October 10-14, 2005. In honor of this event, I would like to take a moment to share with you a few facts relating to the National School Lunch Program:

President Harry Truman established the National School Lunch Program in 1946 in response to the large number of World War II recruits that were rejected due to malnutrition.

Today, the school lunch program serves more than 28 million students each day.

Just over half of those students who participate in the school lunch program receive their lunch free or at a reduced cost.

Over 92 percent of all students nationwide have access to school lunch and about 58 percent of those students participate on a given day.

The school lunch program operates in 99 percent of all public schools and 85 percent of private schools. That's a total of 99,538 public and non-profit private schools.

The National School Lunch Program is the largest of the federal child nutrition programs both in terms of spending and children served.

In fiscal year 2005, \$6.8 billion was appropriated for the school lunch program.

For some children, a school lunch is the only healthy meal they eat all day. School lunches can contribute positively to children's health, and can improve academic performance by increasing children's learning capacity and lengthening their attention spans. The National School Lunch Program plays an important role in protecting the health and well-being of many of the nation's school-age children.

I commend the nation's dedicated educators, food service professionals, and most of all, parents who work to ensure the ongoing success of the National School Lunch Program, and to ensure that children have access to nutritious and balanced meals at school.

A TRIBUTE TO TIBOR (TED)  
RUBIN—RECIPIENT OF THE CON-  
GRESSIONAL MEDAL OF HONOR

**TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2005

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in paying tribute to