

States where there are extensive Federal lands.

Also, like the bill as reported the substitute includes provisions to create a new, voluntary program of incentives to landowners who implement conservation practices on their lands. Ranchers and farmers in Colorado and across the west understand the importance of protecting threatened and endangered species, and want to do what they can to help, and I strongly support providing these incentives.

But here again the substitute is better—because while both the bill as reported and the substitute include provisions for giving landowners technical assistance, only the bipartisan Substitute allows the Interior Department to give priority to smaller land owners who cannot afford expensive consultants.

Just as important, the substitute not only improves on good features of the bill as reported, it also corrects its worst flaws.

The bill as reported would weaken the protection of threatened and endangered species by making recovery plans unenforceable, by limiting the role of science, and in other ways as well. The substitute is better on these points.

In addition the substitute does not include the reported bill's language to change the current law regulating the use of pesticides. That law may need some revisions, but if so they should be made after thorough consideration and careful deliberation, rather than through a last-minute amendment in the Resources Committee, which is how this was added to the bill.

Proponents of the reported bill say the Endangered Species Act has led to too many lawsuits. But according to the Bush Administration's analysis of the bill as reported, "the new definition of jeopardy in the bill, as well as various statutory deadlines, may generate new litigation and further divert agency resources from conservation purposes." The substitute does not have the same problems.

And, finally, the substitute does not include the reported bill's vague provisions that would set up a new entitlement program—a program without clear boundaries that would increase Federal spending to an extent that cannot be easily calculated.

Those provisions worry the Bush Administration, which has told us that they "provide little discretion to Federal agencies and could result in a significant budgetary impact."

And after reviewing the bill as reported, the nonpartisan budget watchdog group Taxpayers for Common Sense concluded that "This legislation is rife with loopholes and vague wording that have the potential to cost taxpayers billions of dollars, and must be revised." I completely agree and I support the bipartisan substitute because it makes the revisions necessary to close those loopholes. For the benefit of our colleagues, I attach the full text of the letter from Taxpayers for Common Sense.

I urge the adoption of the substitute.

TAXPAYERS FOR  
COMMON SENSE ACTION,  
Washington, DC, September 28, 2005.

DEAR REPRESENTATIVE: Taxpayers for Common Sense (TCS), a non-partisan budget watchdog, has grave concerns regarding H.R. 3842, the Threatened and Endangered Species Recovery Act of 2005. As reported by the House, this bill would establish a new entitlement program that will not only burden

taxpayers but require the creation of an unnecessary and complex Federal spending program.

TCS believes that, as written, the true fiscal impacts of this bill are impossible to calculate, but are likely to be large. H.R. 3824 establishes a policy whereby landowners could file takings claims against the government for relatively unspecific future development plans. The bill's vague language is also likely to encourage serial filers, as there is nothing to prevent landowners from collecting multiple times on the same piece of land property. Additionally, H.R. 3824 would require Federal taxpayers to pay even if the law affects only a small portion of a landowner's property and has little or no impact on the overall value of the remainder of that property. In fact, this legislation, as written, would almost always result in mandated payouts of taxpayer dollars, even if the value of the property had risen. In addition, the threshold for filing a claim and proving a taking under these new regulations would be extremely low, resulting in not only a near guaranteed payout from taxpayers to landowners, but also a likely flood of applications to take advantage of the windfall.

As we have seen countless times in the past, a loophole will always be exploited, and an enormous loophole will be exploited enormously. This legislation is rife with loopholes and vague wording that have the potential to cost taxpayers billions of dollars, and must be revised.

Sincerely,

STEVE ELLIS,  
Vice President for Programs.

A PROCLAMATION CONGRATULATING GREG PETERSON

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2005

Mr. NEY. Mr. Speaker:

Whereas, Greg Peterson is an exceptional individual worthy of merit and recognition; and

Whereas, Greg Peterson served in the Franklin County Prosecutor's Office for twelve years; and

Whereas, Greg Peterson served as the director of the gang unit at the Franklin County Prosecutor's Office for the past three years and won an extraordinary number of cases; and

Whereas Greg Peterson will be sworn in as Judge at the Franklin County Court of Common Pleas on October 7, 2005, and should be commended for his excellence, for his leadership and integrity, and for his ongoing efforts to affect other people's lives in a positive and in a changing way.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Greg Peterson for his outstanding accomplishments.

DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

SPEECH OF  
HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes.

Mrs. KELLY. Mr. Chairman, prior to my election to Congress, I was a patient advocate and rape crisis counselor in New York's hospitals. I saw first-hand the debilitating effects domestic violence, dating violence, and sexual assault can have on a woman. It was there, as I counseled thousands of victims of rape and assault, that I recognized that more resources need to be provided to prevent these types of attacks, to assist victims in receiving justice, and to help these women put their shattered lives back together. That is why I feel so strongly about the Violence Against Women Act.

VAWA literally transformed the way our society deals with these types of attacks. Over the past ten years, it has provided vital resources and protections for victims. It has provided increased training for police, prosecutors, and court officials, and overhauled how the criminal justice system responds to victims of violence.

I ask all of my colleagues to support H.R. 3402, which reauthorizes the Violence Against Women Act, because it works. It is an effective tool in reducing the number of women living with violence.

H.R. 3402 develops new programs that meet the needs of battered women and creates a comprehensive approach to ending domestic violence, dating violence, sexual assault, and stalking.

Congress must reauthorize these historic women protections, and I ask that all of my colleagues support it later today.

THE RYAN WHITE CARE ACT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2005

Mr. TOWNS. Mr. Speaker, the Ryan White Care Act has played a significant role in the decline of HIV/AIDS cases and deaths. The care act is of utmost importance to the poor and uninsured because it is the primary means by which many receive health services.

Congress must act swiftly to reauthorize and strengthen the care act and I implore Congress to do so on behalf of persons living with HIV/AIDS in our Nation, the State of New York and the 10th Congressional District of Brooklyn in particular.

New York City remains the epicenter of the HIV/AIDS epidemic nationally. According to the HIV Health and Human Services Planning Council of New York, an estimated 92,000 New Yorkers are known to be living with HIV

or AIDS and approximately 25,000 individuals are living with HIV but are not diagnosed.

While the reauthorization principles released by the Administration are a start, more must be done to ensure that health care and treatment is provided for New Yorkers and all people in need.

In urban, rural, and suburban communities in every State and territory, the Ryan White Care Act delivers medical care, prescription drugs, and key support services to uninsured and underinsured people living with HIV/AIDS. Still, there are far too many people without access to quality HIV/AIDS care because of limited resources.

Today, I strongly urge Congress to work together to reauthorize and adequately fund the Ryan Care Act in a timely manner, with the goal of improving the lives of all people living with HIV/AIDS.

**SUSTAINABLE ENERGY ON DISPLAY**

**HON. BERNARD SANDERS**

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2005

Mr. SANDERS. Mr. Speaker, I wish to commend the Northeast Sustainable Energy Association for its efforts this past weekend in its 2005 Green Buildings Open House. The Open House consisted of tours of "green" energy facilities in homes and businesses, in all the New England States, as well as in Delaware, New Jersey, New York and Pennsylvania.

In Vermont, there were tours in Burlington, Cavendish, Hartland, Montpelier, Strafford and White River Junction, as well as in Northern, Central and Southern Vermont. The tours included a great variety of sites, including homes, businesses and schools. Alternative energy sources included solar (active and passive), wind, micro-hydro, as well as alternate construction methods and alternative fuel vehicles.

We are overly dependent on fossil fuels. Not only does dependence pose environmental problems ranging from air pollution to acid rain to global warming, it also puts our national security at risk, requiring foreign policies driven more by the needs of oil companies than by the interests of American families and small businesses.

But there are ways to conserve our environment and reduce our dependence on fossil fuels. We can better insulate our homes. The dollars invested in energy conservation pay off over and over again, in reduced energy consumption and reduced costs for heating and cooling. We can find and develop clean and renewable sources of energy like solar, wind, water and geothermal. They are domestically produced, infinitely renewable, and non-polluting. And we can learn to use more energy-efficient appliances in our homes and offices.

Developing sources of alternative energy and conserving the energy we currently use are smart policies, not only because fossil fuel is encumbered with many problems, but because long-term conservation and alternative energy are more efficient. And moving along those lines creates jobs, jobs here at home, good paying jobs.

So I extend my congratulations to the Northeast Sustainable Energy Association and the

many homeowners and building owners, as well as the guides for these tours, who worked to show us all how much can be accomplished if we have a vision of a better and more energy-sustainable future.

**A PROCLAMATION HONORING THE JACKSON-VINTON COMMUNITY ACTION**

**HON. ROBERT W. NEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2005

Mr. NEY. Mr. Speaker:

Whereas, the Jackson-Vinton Community Action has dutifully served the citizens of Jackson and Vinton counties for 40 years; and

Whereas, the Jackson-Vinton Community Action gives hope and aid to the Southeastern Ohio Appalachian Region; and

Whereas, the Jackson-Vinton Community Action has consistently provided health, housing, and economic assistance to the people of their community.

Therefore, I join with entire 18th Congressional District of Ohio in congratulating the Jackson-Vinton Community Action on their 40th anniversary.

**TRIBUTE TO JUDGE MYRON THOMPSON**

**HON. ARTUR DAVIS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2005

Mr. DAVIS of Alabama. Mr. Speaker, because of my tremendous personal admiration and professional respect, I am particularly honored to rise today to introduce a resolution that gives tribute to Judge Myron Thompson's 25-year legacy of upholding the Constitution in the U.S. District Court for the Middle District of Alabama—considered one of the most important courts of the American civil rights movement. Judge Thompson's tenure on the bench reflects years of honest, diligent, and fair jurisprudence. This resolution documents Judge Thompson's distinguished service to the federal judiciary, the people of Alabama, and to the United States. I am pleased to ask the House to express its gratitude to U.S. District Judge Myron Thompson.

Judge Thompson was appointed to the Federal bench by President Jimmy Carter in 1980 after an already distinguished legal career. A product of Alabama's segregated public schools, he attended Yale University and proceeded directly to Yale Law School, after which, he returned to Alabama to work for the state Attorney General's Office. Judge Thompson went on to private practice, as the only African-American practitioner in Dothan, AL, his mother's hometown. He later became the founding director and Board Chair of the Legal Services Corporation of Alabama.

Once appointed to the Court, Judge Thompson inherited some of the most significant cases in the Middle District. He addressed the needs of mentally-ill residents in the Wyatt case, upholding principles of humane treatment that have become part of the fabric of American law. He addressed the needs of

workers, presiding over numerous employment discrimination cases involving, at times, the claims of hundreds, if not thousands, of employees. Judge Thompson's rulings in voting rights cases broadened the civic participation of Alabama's traditionally disenfranchised. In the Dillard case, Judge Thompson found the Alabama legislature culpable of racial discrimination in fashioning and authorizing at-large election schemes for local jurisdictions. As a result of Dillard, there have been African-American city council members, county commission members, and school board members elected in places where previously there had never been an African-American elected to public office. Judge Thompson upheld the Constitution's promise to insulate every citizen from inhumane conditions while in government custody by finding the conditions at the Julia Tutwiler Prison for Women unconstitutional and pervasively unsafe. These are just some of Judge Thompson's more significant cases.

Judge Thompson's judicial career has thrust him to the forefront of many of the most pressing social and political controversies of the day. His compassion for the marginalized, love of learning, and knowledge of the law are reflected in his courage, insight, and sound judgment. We are fortunate to have Judge Thompson on the federal bench, and America has been a direct beneficiary of his extraordinary service. I ask the House to join me in endorsing this resolution of appreciation and commendation for the service of District Judge Myron Thompson.

**PACTOLA RESERVOIR REALLOCATION AUTHORIZATION ACT OF 2005**

**HON. STEPHANIE HERSETH**

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 2005

Ms. HERSETH. Mr. Speaker, I rise today to introduce the "Pactola Reservoir Reallocation Authorization Act of 2005," a bill to authorize the Secretary of the Interior to reallocate the costs of the Pactola Dam and Reservoir in western South Dakota, in accordance with an agreement that has been reached by the affected parties that rely on that water.

The population in and around Rapid City, South Dakota, has experienced welcome growth in the past several years. As a result, the city is experiencing an increasing demand for municipal water. The city relies upon the Pactola Reservoir, constructed by the Bureau of Reclamation (BOR) in the central Black Hills mountain range approximately 10 miles west of town, for much of its municipal water.

Another group, the Rapid Valley Water Conservancy District (RVWCD), also relies on this reservoir as a source of water for agricultural irrigation. As Rapid City's needs for water has increased, the RVWCD's demands has gone down.

The two entities and the BOR have renegotiated their water service contract and have agreed to reallocate the costs of the Pactola Dam to better reflect the City's growing need for municipal water supply and RVWCD's decreasing need for irrigation.

The BOR is responsible for the operation and maintenance of the Pactola Dam and Reservoir, part of the Rapid Valley Unit under