

The repercussions of poor immigration enforcement have a ripple effect across our entire Nation; and, indeed, an estimated 376,000 illegal immigrants are putting a tremendous financial strain on my State of Georgia. Every day we put off debating and passing comprehensive reform allows more opportunities for illegal immigrants to break our laws and cross our borders.

Mr. Speaker, illegal immigration is not a victimless crime, and I request my colleagues' support for real immigration reform.

#### QUESTIONING OF THE RESPONSE TO HURRICANE KATRINA AND HURRICANE RITA

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask to remove my name from H.R. 3824 if the report has not yet been filed. If it has been filed, I would ask that it be placed in the RECORD that if the manager's amendment is not approved, I will be voting "no" on H.R. 3824.

Let me say, Mr. Speaker, I also want to add to the questioning of the response dealing with Hurricane Katrina and Hurricane Rita. I think it is imperative that committees of the House, particularly the Committee on Homeland Security, move forward with questioning how those who were in desperate need were responded to and how the chain of command performed.

The question was always who was in charge. I raise the question as well, whether there was sensitivity or sensibilities in contracting with the cruise line, \$246 million, to house individuals who had already been in water beyond belief. I would ask that that be investigated because those cruise ships are now sitting empty, and we are paying \$1,000 a week for empty cruise ships.

#### ADVERSITY REVEALS CHARACTER

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, a determined enemy abroad, catastrophe and political upheaval at home, these are times, as Thomas Paine wrote, that try men's souls.

But adversity does not create character. Adversity reveals character; and like the great Nation we serve, the character of this Republican majority under Speaker Dennis Hastert is strong, courageous, and will do the work the American people sent us here to do.

We will support the war on terror through to victory. We will rebuild our coastline with fiscal responsibility. We will close our borders and end our dependence on foreign oil. We will do this because the character of this Congress reflects the character of America, and that character is strong.

#### AMERICAN PARITY

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, I find the debate over how we are going to pay for the reconstruction and revitalization of the gulf coast ironic because in the past few years this body has allocated nearly \$400 billion for the war in Iraq, without a peep, just a rubber-stamp Congress.

We have added \$3 trillion to our national debt with annual deficits at \$400 billion as far as the eye can see.

This has become the Congress known for hot checks. Yet when this Congress faces a tab for rebuilding America and American lives that is less than half of what we have spent in Iraq, suddenly everyone here is wearing green eye shades.

In Iraq, we have spent millions to rebuild the Sweet Water Canal System, rebuilding and repairing the levee system; and here in America, we cut the levee construction down in Louisiana by 80 percent.

Tuesday's Christian Science Monitor reported that the National Guard's response to Katrina was hampered by a lack of equipment because two-thirds of that equipment is in Iraq.

We need a new direction with new priorities. We need a Congress that is going to put some checks and balances and not act like a rubber stamp.

In the coming weeks, I intend to reintroduce the American Parity Act, a bill to ensure that, as we rebuild Iraq, we ensure that we also rebuild America.

This Congress cannot have one set of books, one set of priorities for Iraq, and another one for the American people.

#### PROVIDING FOR CONSIDERATION OF H.R. 3824, THREATENED AND ENDANGERED SPECIES RECOVERY ACT OF 2005

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 470 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

##### H. RES. 470

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of 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. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed ninety minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment rec-

ommended by the Committee on Resources now printed in the bill, it shall be in order to consider as an original bill an amendment in the nature of a substitute consisting of the text of the Resources Committee Print dated September 26, 2005. That amendment in the nature of a substitute shall be considered as read. All points of order against that committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. TERRY). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 470 is a rule providing for consideration of H.R. 3824, the Threatened and Endangered Species Recovery Act of 2005. The rule provides for 90 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Resources and waives all points of order against consideration of the bill.

House Resolution 470 provides that, in lieu of the amendment recommended by the Committee on Resources now printed in the bill, the amendment in the nature of a substitute consisting of the text of the Committee on Resources print dated September 26 shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the committee amendment in the nature of a substitute.

House Resolution 470 makes in order only those amendments printed in the

Committee on Rules report accompanying the resolution. The rule provides that amendments printed in the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Lastly, the resolution waives all points of order against amendments printed in the report and provides one motion to recommit, with or without instruction.

Mr. Speaker, the Threatened and Endangered Species Recovery Act is one of the most important bills we will consider on species recovery and property rights this year. I commend the gentleman from California (Chairman POMBO) and other members of the Committee on Resources and their staffs who have worked hard to bring this legislation to this point. The result of their efforts is a solid bipartisan bill that updates key parts of the Endangered Species Act and provides enhanced protection for property owners.

For people of the rural West where I live, there are few more important matters than modernization of the ESA. Unfortunately, some of the most well-known examples of the ESA problems have occurred in my region of the country, the Pacific Northwest.

For example, Mr. Speaker, the Northwest timber industry was decimated by the listing of the spotted owl 15 years ago, only to discover that today, the spotted owls have actually been endangered and displaced by other owls. Imagine if we had emphasized recovery then. How many family-wage jobs would have been saved and how many more spotted owls would we have today?

Four years ago, water to family farms in the Klamath Basin in Oregon was cut off in the name of the sucker fish, when everyone knew there were other measures that would truly help species recover without bankrupting businesses and families. Every summer, in excess of \$3 million is being spent per listed salmon. Mr. Speaker, let me repeat that. Every summer in excess of \$3 million per salmon is spent to spill water over dams, even though science and common sense tells us that there are better ways of species recovery.

This is all the result of the Endangered Species Act becoming too driven by litigation and conflict. Simply put, this act is broken, and it is in need of updating.

If we put off modernizing the ESA, it is not just the people of my region that will suffer. It is also the animals and plants that the ESA is supposed to protect that are the victims. ESA's record of recovery of listed species is abysmal. Less than 1 percent of the species listed under the act have actually been recov-

ered. According to the Fish and Wildlife Service, only 6 percent of the species are categorized as recovering. Each year, Federal agencies are spending more on paperwork, process, court cases, and lawyers and less on real on-the-ground recovery efforts. We, frankly, must reverse this trend.

The Threatened and Endangered Species Recovery Act puts the priority where it should be, on recovery. This bill will require agencies to complete recovery plans within 2 years of listing. These plans will require the identification of lands important for species recovery, in lieu of the cumbersome and litigation-driven critical habitat process.

In addition, the bill authorizes collaborative recovery teams made up of a diverse group of stakeholders, including people with conservation expertise as well as those whose livelihoods are affected by environmental policies. Again, there is a fundamental shift here from confrontation and litigation to cooperation and recovery. It is long overdue.

This legislation also offers important new tools for encouraging voluntary participation in species recovery efforts by private property owners. The ESA is currently written with its emphasis on punitive measures and regulation serves as a disincentive for any private property owner to provide habitat for a listed species.

This legislation provides "no surprises" protections for land holders entering into habitat conservation plans with the government. In addition, this bill offers financial aid to those whose property has been restricted for conservation purposes. After all, species recovery is a national goal that benefits all Americans, and the cost of that effort should not fall solely on the shoulders of land holders.

Another important improvement in the ESA that this bill would provide is strengthening the science and data used in decision-making. This legislation puts the emphasis on objectively quantifiable and peer-reviewed science. Stronger science and ESA information will result in our limited Federal resources going to where they will do the most good, while reducing instances of drastic Federal actions being taken on poor or limited data. These are the things that we should all be able to agree upon.

H.R. 3824 is a solid bipartisan bill that will do much to bring this important law up to date. I again commend my colleagues for their hard work on this legislation, and I urge my colleagues to support both the rule, House Resolution 470, and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Washington for yielding me the customary 30 minutes, and I yield myself such time as may consume.

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks.)

□ 1030

Mr. MCGOVERN. Mr. Speaker, today, this House stands at a very important crossroad. We are faced with a decision that will have severe consequences for years to come. On one side, we have this bill, the Threatened and Endangered Species Act, facing off on the other side against sound, science-based environmental policy.

The Republican leadership had a unique opportunity to provide us with a carefully constructed bill, one that strengthens current protections for endangered species while also finding the necessary balance between property rights and environmental concerns. But, instead, the bill that we have before us essentially guts the Endangered Species Act. It is as simple as that, and it certainly comes as no surprise.

In 1994, many Republicans were elected to this body promising to repeal the Endangered Species Act. There are dozens of news stories describing rallies and press conferences held by opponents of the Endangered Species Act. For many who now sit on the Committee on Resources, including the distinguished chairman, eliminating the Endangered Species Act was almost a singular campaign issue. Ten years after the Republicans took control of the House, they may be one step closer to repealing one of the most successful environmental laws in the history of the country.

Dismantling the Endangered Species Act has also been a top priority of the Bush administration. One of the sad realities of the Republican control of our government is their absolute contempt for the environment. Since they have taken control of the Congress, they have been rolling back environmental protections nonstop. This bill, unfortunately, falls into that tradition.

Make no mistake about it, Mr. Speaker, this bill is not about fixing the Endangered Species Act, it is about gutting it. In fact, just months ago, legislation was drafted and subsequently circulated by the Chair of the Committee on Resources that would have completely eliminated endangered species protections over the next 10 years. Fortunately, that bill failed to ever come before the committee for consideration.

Instead, here we are with their next best thing, or should I say the next worst thing, H.R. 3824. While this legislation does not go as far as to formally repeal the Endangered Species Act, it burdens the current system with a weakened mandate, limited funding, and minimal protections.

Now, let us be clear about what we are debating here today. The bill before us is a major first step toward complete elimination of the Endangered Species Act. For proof, we only have to look at the Endangered Species Act itself. Over 30 years ago, the Endangered Species Act was signed into law by President Richard Nixon, and in the years that followed, it became renowned as one of our Nation's most

successful, effective, and vital conservation laws.

The Endangered Species Act alone has been credited with saving hundreds of species from extinction, most notably the Florida manatee, the California condor, and the bald eagle. According to the U.S. Fish and Wildlife Service, 99 percent of the species ever listed under the Endangered Species Act remain on the planet today.

The current Endangered Species Act did this by banning hazardous pesticides, like DDT; protecting natural habitats and instituting and enforcing a science-based decision-making process. But the benefits of the Endangered Species Act extend far beyond protections for any one or group of endangered plants or animals. In fact, there are clear economic benefits to this law.

Each year, hunting, fishing, and wildlife watching bring in over \$100 billion in revenue. These industries alone employ 2.6 million people each year. For example, the reintroduction of the gray wolf into Yellowstone National Park 10 years ago increased revenues in adjacent local communities by \$10 million annually. Imagine the impact the bill before us could have on local economies that depend on recreation and ecotourism for jobs and tax revenues. It could be devastating.

H.R. 3824 takes us back to the bad old days and completely repeals protections against the use of hazardous pesticides, and removes one of the most important parts of the Endangered Species Act, the protection of critical habitat. No alternative is provided, and in the end, the U.S. Fish and Wildlife Service is left in an unenforceable and nonbinding mandate.

Finally, Mr. Speaker, this bill creates an endless slush fund for private developers. This is one of the most shocking proposals I think I have seen. We do not pay power plants not to violate clean air laws, nor provide incentives for businesses to comply with the minimum wage standards. But under this bill, we would pay landowners to not break the law.

What is the cost of this sweetheart deal? According to the Congressional Budget Office, the full price tag of this deal could reach \$2.7 billion over the next 5 years. That amounts to an additional \$118 million in the first year alone.

So contrary to what the proponents of H.R. 3824 will say today, this is really a new entitlement for developers and other business interests. It allows direct spending that will not only be expensive, but will drain the resources from other important environmental programs.

With the largest deficit in American history, with mounting costs from the recent hurricanes, and with the war still raging in Iraq and Afghanistan, is this the right time to open a slush fund that will funnel millions of dollars to developers and businesses, while undoubtedly resulting in the extinction of unique animals and habitats across this country?

I hope that my colleagues on both sides of the aisle will take a close look at this legislation and recognize it is not our only option.

Yes, the Endangered Species Act could benefit from revisions. Everybody will agree with that. But this bill is not the answer. And it is for this reason that I would urge my colleagues to support the Miller-Boehlert substitute, and I commend my colleagues for their hard bipartisan work.

Together, they have drafted a substitute that protects private landowners from unnecessary government regulation while also preserving current initiatives that have proven successful. On a smaller scale, a similar approach has been overwhelmingly successful in my home State of Massachusetts. In 1985, the piping plover, a small shore bird, was in steep decline. There were approximately 130 pairs remaining in the United States. But in just 14 years, they have made a dramatic comeback, and this was largely the result of coordinated efforts between conservationists and private land managers.

Mr. Speaker, I am not the only one who feels this way about H.R. 3824. Environmental and animal rights groups strongly oppose this bill, and so do many of the Nation's leading editorial pages: The New York Times, The Boston Globe, The Los Angeles Times, The Seattle Post Intelligencer, The Idaho Falls Post Register, to name a few, all oppose scrapping the Endangered Species Act. But I want to read from the hometown newspaper of the first President Bush and the gentleman from Texas (Mr. DELAY), The Houston Chronicle:

"After 32 years of success, the Endangered Species Act may need streamlining and adjustment to the realities of the continued development of rural areas of the country. It should not be destroyed and replaced with a law that would give all the advantages to business interests and allow the Secretary of the Interior to play God with the Nation's biodiversity."

The Miller-Boehlert amendment is proposed to modernize responsibly the Endangered Species Act. It is clear that times have changed since President Nixon signed this bill into law. But the challenge is to update the Endangered Species Act responsibly, and H.R. 3824 does not do that. A vote for this bill is a vote to repeal the Endangered Species Act. A vote for this bill is a vote to once again threaten national treasures like the bald eagle, the grey wolf, the Florida manatee, and the piping plover with extinction, and I would urge my colleagues to oppose this bill.

Mr. Speaker, I submit herewith for the RECORD the editorial I quoted from earlier:

#### AN ENDANGERED ACT

[From the Houston Chronicle, Aug. 12, 2005]

Since President Richard Nixon signed it in 1973, the Endangered Species Act has prevented the extinction of hundreds of species

of American plants and animals, restoring many to sizable populations. In the process of designating 1,370 species eligible for protection, the act also has generated court battles by opponents who chafed at restrictions on commercial development of essential habitat.

Backed by land development and agricultural interests, as well as the Bush administration, several members of Congress are pushing legislation that would gut what some consider the most important environmental law in U.S. history. U.S. Rep. Richard Pombo, R-Calif., who chairs the House Resources Committee, has offered a draft bill that would replace the Endangered Species Act and cancel all agreements to protect threatened species.

Environmentalists charge that Pombo's bill eliminates any provision to help species recover from near extinction and effectively forbids the designation of critical habitats on virtually all federal land. The existing law requires that species be protected if they are endangered in a significant portion of their range. Pombo's draft narrows that requirement to species threatened throughout their range.

This month the U.S. Fish and Wildlife Service adopted similar reasoning when it proposed the removal of the pygmy owl in Arizona from the list of threatened species because healthy populations exist in Mexico. Under President Clinton the agency had proposed designation of 1.2 million acres in the state as critical habitat. Under the Pombo standard, animals such as the grizzly bear, bald eagle and timber wolf, with large populations in Alaska, would not have qualified for protection in other parts of the United States.

Polls consistently have found that Americans strongly support the act's protections for threatened wildlife. The Supreme Court recently refused to hear a challenge to enforcement of the act brought by developers in a dispute involving the endangered Kretschmar Cave mold beetle in Texas.

Pombo's bill would allow the secretary of the interior to determine what scientific evidence is relevant in deciding if a species is endangered and give the secretary the power to overturn decisions by federal biologists and wildlife managers. It would saddle agencies with massive paperwork and create an appeals process that could be launched by any person affected by an agency decision or habitat conservation plan.

After 32 years of success, the Endangered Species Act may need streamlining and adjustment to the realities of the continued development of rural areas of the country. It should not be destroyed and replaced with a law that would give all the advantages to business interests and allow the secretary of the interior to play God with the nation's biodiversity.

When Congress returns from its summer recess, Texas representatives and Sens. Kay Bailey Hutchison and John Cornyn should insist that any changes to the Endangered Species Act be aimed at improving its effectiveness. Texans are justly proud of the vast array of wildlife that thrives in protected forests, mountains and marshes across the state. Let's make sure that natural treasure is preserved for the benefit of future generations.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 4 minutes to the gentleman from Utah (Mr. BISHOP), a valued member of the Committee on Rules.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased that both sides of the aisle

have recognized the need of some modifications in the Endangered Species Act.

I would like to, Mr. Speaker, introduce you to a man by the name of John Gochnauer. John Gochnauer was the shortstop for the Cleveland Indians in 1902 and 1903. In 1902, playing full-time at shortstop for the Indians, he hit a paltry .185 and committed a whopping 48 errors in that position. Nonetheless, he came back the next year to play for them in 1903, where he once again, full-time player, hit .185, and this time set a major league record, which has yet to be broken, of committing 98 errors as shortstop, which means out of every five times, he touched the ball, he booted or threw it away once.

The Endangered Species Act has established 1,300 species for preservation and has been able to preserve 12 of them, giving that act a batting average of .010, if you round up. Whereas John Gochnauer hit .185, the Endangered Species Act is hitting .009, which means the Endangered Species Act is the most inept program we have in the Federal Government. The Endangered Species Act is the John Gochnauer of Federal programs.

The reason is quite simple. The Endangered Species Act creates more harm than it does good. Because if you are a good steward of the land, your practices which create and preserve habitat make you then open to government control and government regulations and produce an attitude of distrust and hatred.

The Endangered Species Act is not there to prevent development or to change land use. It actually penalizes the practices that help in the process, which is one of the reasons why this bill before us recognizes that, and especially in 13(d), a section that is in the bill but not in the substitute. It is there to provide grants to encourage cooperation to solve the problem, not to encourage people running away from the fear of the Federal Government's control.

I think that is probably one of the reasons why this bill is one of those unique bills to come before this body in which a majority of both parties in committee voted to support this particular bill. This bill is indeed one of modifications. It is a modification.

I want to introduce you to one other person. I will call him Jim, simply because I do not want to give the full name. Jim should today be a middle-aged person with a family, running a business, and living a healthy life in California. But in 1995, in California, there was a levee that was in need of repair. On that levee they found 43 bushes. The bushes were not part of the Endangered Species Act, but a beetle who could potentially live in those bushes was, even though no beetle was found in those 43 bushes that grew up on that levee after it was built. Nonetheless, a mitigation plan was mandated, even though the directors of the levee said that it would weaken the

levee. Sure enough, 1 year later, that levee broke. Five hundred homes were destroyed and three lives were taken, including Jim's.

Mr. Speaker, the record of the Endangered Species Act over the decades here has been one of jobs lost, of property restricted, of homes destroyed and, sadly, of human lives lost. That is why it desperately needs modification. The bill before us does that type of modification.

Mr. MCGOVERN. Mr. Speaker, I appreciate the comments of my colleague on the Committee on Rules, the gentleman from Utah, but he uses statistics very selectively.

Let me cite a more important statistic, and that is more than 1,800 species currently protected by the Act are still with us. Only nine have been declared extinct. That is an astonishing success rate of more than 99 percent. So this has been a successful Act.

I will also provide for the RECORD an article that appeared in the Salt Lake Tribune by Ben Long, who is a contributor to the Writers on the Range, a Service of High Country News, who has written a great article about how the Endangered Species Act succeeds with flying colors.

[From the Salt Lake Tribune, Sept. 24, 2005]

SPECIES ACT SUCCEEDS WITH FLYING COLORS

(By Ben Long)

The Endangered Species Act—which is being reviewed by Congress this week—is a soaring success. Just look up.

Look skyward for a while and you might spy an American bald eagle. Hundreds of them live in my home state of Montana. Across the United States, the bald eagle is a living, flying example of what works about the Endangered Species Act.

Rep. Richard Pombo, R-Calif., is spearheading the effort to change the landmark, 30-year old anti-extinction law. "The act isn't working to recover species now," Pombo said in a recent speech in Washington state. "At the same time it has caused a lot of conflicts."

Pombo evidently spends too much time inside his stuffy Washington office. If he got out in the forests and rivers more, he might know the story of the bald eagle.

The American symbol was listed as endangered in 1978. That year, surveys turned up only 12 bald eagle nests in all of Montana. Then, environmental laws such as the Endangered Species Act and a federal ban on the pesticide DDT kicked in. They protected the birds from chemical poisoning, destruction of habitat and needless, wasteful killing.

The results were gradual, but dramatic. By 2005, the number of bald eagle nests in Montana multiplied to 300 nests—25 times the number before the bird was included on the endangered species list.

That's just one state. Eagles were similarly successful in other states as well. In 1999, the bald eagle's status was upgraded from "endangered" to "threatened." If trends continue, they will soon be officially recovered and all America will celebrate.

Today, Montana is one of the top 10 eagle-producing states in the United States. In a recent winter, I watched more than 30 eagles clean up a carcass in a rancher's back pasture. Bald eagle congregations have been tourist attractions at places like Canyon Ferry and Libby dams, where they feed on fish in the winter.

No matter how many times I see a bald eagle on the wing, I am taken aback by its beauty—and thankful for the Endangered Species Act.

Conflicts over endangered species make headlines. Success happens in quiet obscurity. But over time, the successes are dramatic indeed.

Gray wolves are another Endangered Species Act success story in the northern Rockies. Wiped out by over-zealous predator control a century ago, wolves began trickling back into Montana in the 1980s. Now, there are hundreds of wolves in western Montana, and more in neighboring Idaho and Wyoming.

Because Montana stepped up to the plate and agreed to manage these animals for the future, the federal U.S. Fish and Wildlife Service recently handed wolf management over to the Montana Department of Fish, Wildlife and Parks. This is evidence of the flexibility built into the law.

While I don't like to see any animal needlessly wasted, I respect that ranchers need to protect their stock to make a living. The Endangered Species Act has allowed wildlife managers to kill problem wolves—even wipe out entire packs that made a habit of killing livestock.

We humans now dominate planet Earth. We share a responsibility not to push species into extinction. For 30 years, the Endangered Species Act has helped keep America the rich and beautiful land we love. My 17-month-old son loves watching finches and chickadees at the feeder outside our kitchen window. He will grow up also watching bald eagles, some perching on a snag close to our backyard.

What a change. When I was a kid, the only eagle I ever saw was on the back of a quarter.

Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, there are some seeds for potential bipartisan agreement. We do need to reauthorize, update, and improve Endangered Species Act. I think there is some fair consensus on that. But we also do not want to go to a time where we have the next passenger pigeon, for instance, where we extirpate a species forever. That is a long time. I wore my eagle tie today in the hope that we will continue to protect the bald eagle, the symbol of our country.

There are some serious problems with the bill that was unveiled last week, hastily pushed through the Committee on Resources, and further changed last evening by a manager's amendment which few have seen. Among them, and one that has to give pause to this body as we wrestle with how we are going to pay for Hurricane Katrina and other essential things here, and how much money is being borrowed in the name of future generations, is a section regarding compensation.

Now, I had hoped to offer an amendment to say that we would compensate people for foregoing the usual historic and accustomed use. If you grow timber and you cannot cut the trees, you get compensated for the trees. If you ranch and you cannot graze the cattle, you get paid the value of the area on which you cannot graze your cattle. If you grew a crop and there is some sort of restriction and you cannot grow that crop, then you would be compensated.

But the bill goes so far beyond that, it is extraordinary. It goes to speculative, proposed, possible, potential use. This is going to create a wonderful new market for speculators. If people across America thought that this was going to become law as written, which it will not, it will be changed dramatically after the Senate acts, if they do act, they would be out right now purchasing, on a speculative basis, or getting options on property that in any way was restricted by the Endangered Species Act. Because they could say, well, it is true that was a tree farm, but actually I was going to build a destination resort on that tree farm. And my destination resort would have provided me with a profit of \$1 million a year for the next 30 years. Please pay me \$30 million. And the government has 180 days to come up with that money.

Now, there is a low-ball estimate for this new entitlement, and who knows how they came up with it, but they are saying, oh, no, it will only be \$5 million to \$10 million a year. Come on, only \$5 million to \$10 million a year? This is going to be hundreds of millions, if not billions a year of a new entitlement. And, remember, the compensation is in an amount no less than the fair market value.

□ 1045

So taxpayers are going to be obligated to borrow money for speculative, possible potential future profits, and maybe even a little on top of that because the Secretary cannot compensate less than the fair market value. It does not say that the Secretary is restricted to the fair market value; if the Secretary feels generous, borrow more money and pay more than the fair market value. It is binding only on the Secretary as I understand in the new manager's amendment.

So the taxpayers are on the hook; but if the property owner says my speculative value was \$2 million profit a year for the next 30 years, then that person could go to court. But the government could not go to court to say wait a minute, this is crazy, you really were not going to make \$2 million a year on a destination resort on that tree farm. We will compensate you for the loss of harvest of the trees, but we are not going to pay for that speculative value.

I cannot believe that any Member of this House is going to open the doors to the Treasury so wide for potential speculation. That is not compensating landowners for usual, historic, and customary use. If that amendment had been allowed, I think many more Members could support this bill; but that amendment was not allowed here in the House of Representatives today.

There will be only one substitute and a manager's amendment, no other amendments are allowed. This is a perfect bill. After all, it was just introduced last week. It had no hearings. It was marked up one day in committee, and now it has been changed further by

a manager's amendment last night which no one has seen. It is a perfect bill, and no amendment should be allowed here on the floor, but we are going to put the taxpayers on the hook for billions of dollars.

Mr. HASTINGS of Washington. Mr. Speaker, I would advise the gentleman from Oregon that his amendment during the markup in the Rules Committee was not offered by either side to be voted on.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT), chairman of the Committee on Science.

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, to my distinguished colleague from Utah for whom I have great respect, I point out that the infield for the Cleveland Indians has improved significantly since his reference. In fact, at shortstop they have a very able player, and they are hot in the middle of a pennant race. That assurance to the gentleman is very important, as is this assurance: both bills offer landowners technical assistance, but it is only the bipartisan substitute that allows the Secretary to give priority to smaller landowners who cannot afford expensive consultants.

Having said that, I rise in strong support of the rule and in strong opposition to the base bill which we hope with a substitute, the bipartisan substitute, to improve substantially and make it a product worthy of the support of the entire House.

But, frankly, we should not be having this debate today. The current version of the bill was not available until Monday afternoon. Everyone concerned with endangered species both inside and outside of government has been scrambling to understand what is H.R. 3824. The Congressional Research Service, a bunch of outside groups that we look to for some advice and counseling, they are scrambling. There has not been enough time for Members to fully digest the bill or work out any differences. I do not think that it should go forward in this manner. There is no reason for this rush except to limit discussion and maybe confuse us as we try to understand the full implications.

The other body is not exactly about to rush to judgment with a measure on the floor. We should not be dealing with the most fundamental rewrite of an environmental statute in 15 years in this manner. There are so many areas of agreement that we have, let us find common ground. I urge opposition to the base bill and strong support for the bipartisan substitute amendment.

Mr. MCGOVERN. Mr. Speaker, just for the record, I want to make it clear that the gentleman from Oregon did offer his amendment before the Committee on Rules. It was amendment No. 5 last night. Again, we believe his amendment should have been made in order.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, this bill represents a new low. Wasteful drilling in the Arctic and dismantling the Clean Air Act are bad enough, but now the Republican majority wants to weaken the Endangered Species Act, weaken it by handing out subsidies to oil and gas companies and land speculators for not killing endangered species, meaning taxpayers will be giving money to these land developers for simply following the law or for taking a risk by making a big investment in land so they can sell it at a higher price.

What next? Will taxpayers be asked to foot the bill to pay companies to follow other laws of the land?

Mr. Speaker, I know we can do better. Protecting our endangered species is never easy, but if we do not do it right, if we do not depend on sound science, if instead we yield to greed and politics, there is no second chance. I urge my colleagues to vote against the bill and protect the environment for our children and their children and vote for the bipartisan substitute.

Mr. HASTINGS of Washington. Mr. Speaker, for clarification, I acknowledge that the gentleman from Oregon sent his amendment to the Committee on Rules. My point was during the markup of the rule, there was no attempt on the other side to amend the rule to make his amendment in order.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. GILCHREST), a member of the Committee on Resources.

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am in strong support of this rule. I also want to compliment the chairman of the Committee on Resources. He has been in Congress for seven terms. He has worked very hard on the things that he believes in. He has been relentlessly patient to deal with a number of issues that have affected his district and those in the western areas of the United States, and he has presented to us today a bill that will reform, refine, and reauthorize the Endangered Species Act.

Now, I do not agree with everything in the chairman's bill or his approach, but I want to state here this morning that I respect his courage and his relentless patience to take years to bring something to the floor that he believes in.

The substitute which I support, and I hope my colleagues in this body will support, is not a whole lot different than the base bill. We went through the base bill hour after hour after hour, members and staff; and we changed a few words here and there that we feel will present the approach to protecting endangered species in the appropriate way. Most people who are concerned about the Endangered Species Act either are concerned because, like the

chairman here from the Committee on Rules stated this morning, if you see a dam and it creates deep water and you can get your barges down with your grain, you appreciate the fact that the dam is there. So you have some concern about that.

Or if you are downstream and you want more coho salmon and you believe the dam is degrading the habitat for coho salmon or other species of salmon, you are less likely to appreciate the dam; but both sides look at the Endangered Species Act as either reducing their economic viability or reducing species viability. I think we need to do a number of things that we have done in the substitute. We have taken the words out of the base bill. We create a scientifically acceptable procedure, look on page 2 of the substitute, methods, practices and procedures that are acceptable science.

We have made a requirement for making a determination for what species are listed. Look at page 4 of the substitute, five specific criteria before you can list that species. We are reviewing all species every 5 years to see if the change of status is there, page 5. We repeal the critical habitat requirement in the base bill and replace it with a slightly different recovery plan.

The recovery plan has a number of significant and important elements: a time frame for that recovery plan; objective measurable criteria; a description of where the site should be, and the emphasis is on Federal land and not private land; and an estimate of the cost and time it will take to recover that species. Look on page 20.

There are a number of changes that we have made here to the gentleman from California (Mr. POMBO) which I think improves on the bill. Support the substitute.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I rise in strong opposition to both the rule and the bill. No matter how the proponents of the bill classify putting soft words and talking about it being reasonable or a compromise, it does not make it so. This is less about reform of the ESA and protecting species, and more about making it easier for the exploitation of the environment.

We have been in a state of stalemate for a number of years because the goal has not been reasonable refinement. There are things we could do right now to make the Endangered Species Act more efficient, more effective, for instance, adequately funding the enforcement and conservation mechanisms. But the goal was not modest reform and improvement; it was a radical adjustment.

The batting average analogy of my friend from Utah simply misses the point. It is not about just the species that have been restored. It is the protection that has been extended across America to make it possible that we

are not losing environmental ground, and given the environmental circumstances, that is no easy task.

I have literally watched it work in my own backyard. I have an urban creek that flows 26 miles through the heart of my congressional district. The salmon listing under the Endangered Species Act prompted action by four local cities and two counties. We were able to come forward with an innovative streamlining agreement to meet the standards necessary to comply with the Endangered Species Act and move quickly through the permitting process. We have been able to make progress. I have seen it work when people are committed to doing so.

There are many troubling aspects of this legislation. Putting in the hands, we have seen in this administration, of political appointees really perverting the decisionmaking in the name of science, these are not people that I think we ought to turn this over to willy-nilly.

But the most troubling part of the legislation is found in the new entitlement program contained in section 14. It goes far beyond paying people to obey the law, far beyond compensating for loss of customary use. It actually would create a perverse incentive for developers to propose the most environmentally destructive projects possible in order to get higher payment from the government. If you think we have litigation under the Endangered Species Act now, wait until you see people coming forward right and left with bizarre proposals for development seeking compensation for things that were never customary uses.

It is not only an unfunded mandate. It is providing a form of environmental blackmail and promotes endless legal battles. I urge my colleagues to reject the rule and this radical rollback of the Endangered Species Act.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I rise today in support of the rule and in strong support of the underlying bill. The Endangered Species Act is a law with good intentions, but it has spun wildly out of control with tragic consequences for average Americans.

The northern California district I represent has been ground zero for some of the worst examples of the human impacts of this law gone awry. In 2001, a community of family farmers in the Klamath Basin of northern California and southern Oregon had their entire water supply shut off to prevent a perceived threat to two species of listed fish.

□ 1100

Families who for generations had worked the soil to produce food for our Nation were literally left high and dry. To add insult to injury, it was later determined that that decision was not scientifically justified.

Several years ago a levee protecting one of the communities I represent had

deteriorated, and the Army Corps of Engineers predicted that in the event of high water, there would be a significant threat to human life. For nearly 7 years, local officials tried to repair that levee, Mr. Speaker, but those repairs were stymied because of the Endangered Species Act. Those delays had tragic consequences. The levee did break, just as the Corps predicted. Tragically, three people drowned.

Mr. Speaker, the impact of this inflexible law have been real and devastating. The reforms proposed by this common sense legislation are long overdue.

I commend the gentleman from California (Mr. POMBO) on his good work and urge my colleagues to support it.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. INSLEE).

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, I would like to address my comments to the Members who do have serious concerns about the Endangered Species Act who have had frustrations from their citizens about its application, but still believe that we ought to have a workable Act, and I want to suggest that voting for this bipartisan substitute and "no" on the Pombo bill will really satisfy their needs for five reasons.

Reason number one, the substitute bill will make a significant change to reduce the amount of frustration that landowners feel by moving the listing process of habitat from the time of listing to a time of the development of the recovery plan. And the reason this will alleviate much frustration by landowners is it will allow these services to make a more acute and scientifically sound judgment where this land needs to be listed for habitat and will relieve significant frustration of landowners.

Second, the substitute will make sure that we try to use public land first when we try to protect habitat to take care of these species.

Third, and importantly, it will have a conservation grant program to allow the use of federal funds to help private landowners who will agree to use their lands to help in the preservation of these species.

These are three very significant changes to the Environmental Protection Act which will help property owners avoid some of the frustration that now exist while still moving forward with the purposes of this Act.

But we then need to vote "no" on the underlying bill for these two reasons: First, the underlying bill is a massive entitlement program that could be subject to massive fraud because the language is so loose and so speculative, we would be expecting the American taxpayers to shell out literally millions of dollars on highly speculative developments. When a developer comes in there, buys up land that is used for a wheat field and says he wants to put in a strip club or a casino, American taxpayers, under the underlying bill,

would now have to pay entitlement funds where there is no money in this bill appropriated to do it, or even especially authorized for these highly speculative enterprises. Why should the taxpayers have to pay for this flim-flam type of speculation?

And, by the way, nowhere in American law is any taxpayer required in any jurisdiction in this country to do that right now. This is a radical change which exposes the taxpayers to millions of dollars of loss that is not required by the U.S. Constitution and makes no common sense.

And second and lastly, very importantly, the underlying bill provides no enforceable protection for the habitat of these species. Sure, it says that the agencies have to draw these maps, but what is a map if they do not have to follow the map? Five reasons. Members can vote for this with honor, go home and tell their constituents this they have relieved their frustration and protected these species and protected the taxpayers. Respect for the taxpayers and respect for God's creatures at the same time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 5 minutes to the gentleman from Idaho (Mr. OTTER).

(Mr. OTTER asked and was given permission to revise and extend his remarks.)

Mr. OTTER. Mr. Speaker, I would first like to congratulate the gentleman from California for the great work he has done in getting the Endangered Species Act reform to the floor. This is a very controversial issue, and he and the committee should be commended for working to address some of the real problems in the current law.

There are a couple of provisions for which I have been a strong proponent, and I am pleased that the chairman has agreed to include them in the manager's amendment.

My first amendment is a commonsense one aimed at empowering electricity consumers with the "right to know" what they are paying for. This amendment simply seeks to provide "sunshine" and transparency to the way our Federal Government does business.

Specifically, the provision requires that each of the Power Marketing Administrations, the Bonneville Power Administration, Western Area Power Administration, Southwestern Power Administration, and the Southeastern Power Administration, to include costs related to the Endangered Species Act in their customers' monthly electricity billings.

In the Pacific Northwest alone, the Bonneville Power Administration accounts for 45 percent of the region's electricity sales and 75 percent of the transmission lines.

Bonneville Power's rates have risen 46 percent since 2001, due in main part to the Endangered Species Act's impact on the Columbia/Snake hydro-power system. The Agency spends an average of \$500 million per year on ESA

compliance. To whom are these costs passed on to? Of course, the electricity ratepayers.

The point of all this, Mr. Speaker, is that few Pacific Northwest consumers have a notion of the amount of money of their monthly bills that goes directly towards the Endangered Species Act compliance, nor do they or other end-user consumers of the other Power Marketing Administrations. It is estimated that as much as one third of the power bill from the BPA is devoted to salmon recovery, but no one knows for sure.

I get a bill once a month from the power company that includes all sorts of information about tips on conserving energy and warnings on how to keep me from electrocuting myself, but nowhere does it detail what I am paying for. How much is for generating power and how much is for transmission costs and how much is for the ESA?

I would like to thank the chairman for including language in the bill that consolidates jurisdiction of the Endangered Species Act management of species under one agency. During my first term in Congress, I introduced legislation that did just that, and I am pleased to see the concept is finally moving forward.

NOAA Fisheries originally was part of the Department of Interior until 1970, when NOAA was created under the Department of Commerce to address federal management of commercial and tribal fisheries. This was prior to the enactment of the Endangered Species Act of 1973. Now the Agency's mission of managing commercial and tribal harvests of salmon and recovering endangered species are in conflict.

NOAA Fisheries and the Fish and Wildlife Service have differing processes for handling and permitting thousands of activities that must undergo federal conciliation under the ESA and competing science on how best to manage the species and for cost-effective government management to have one process that works.

Consolidation of agencies managing the ESA will eliminate duplication and allow scarce Federal resources to be focused on achieving the true objective of the Endangered Species Act, the recovery of species through science-based management.

I encourage Members to support the rule, the manager's amendment, and the bill and oppose the Miller-Boehlert substitute that lacks all the property rights protection that the Committee on Resources has worked so hard to restore. I thank the chairman for his leadership on this issue, and I look forward to the passage of this bill.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. Mr. Speaker, I would like to thank the gentleman from Massachusetts for yielding me this time.

I am put in the unenviable position today, as a lifelong Democrat, to have

to stand and oppose the Democratic position on this rule.

As I have sat here and listened to the debate on the rule, I simply do not feel that some of the statements by my colleagues are accurately reflecting what is in the bill as it currently is written. It is simply untrue that this bill allows skyscrapers to be built on the prairie to endanger species. We are not going to be using taxpayer dollars to promote strip clubs or casinos, as one of my colleagues said. It is simply not true.

The reality is that under the Endangered Species Act, most of the provisions of the Act, as it currently stands, will be in place. What we are talking about is compensating farmers if their land is taken away, and if they want to continue to farm and under the Act we have to protect a species, the farmer will be compensated for the right that has been taken away. That is a longstanding right of this country, to be compensated when government takes one's property.

We had a vote recently on this floor of over 400 Members who said exactly that in one of the eminent domain cases that was recently challenged, when the Supreme Court took someone's property.

We have a longstanding tradition here of protecting personal property rights but not when it comes to the Endangered Species Act. In my State, the Fish and Wildlife Service said that 4.7 million acres of California had to be set-aside for the red-legged frog, 1.7 million acres for vernal pools and fairy shrimp. This is not a new entitlement program. This is compensating landowners when their property is taken away.

Those in support of the substitute have been distributing a handout, and in the substitute it says virtually everything that the gentleman from California (Mr. POMBO) and I and others have written and coordinated on. In fact, about 90 percent of this bill was written by Democratic staff. I will say that, frankly, that does not happen in this House very often where there is a bipartisan attempt to come to an agreement.

There is 10 percent disagreement on this bill, and virtually what that 10 percent disagreement is, is whether or not people are going to be compensated when their land is taken and the fact that there has been a new focus, according to some of my colleagues, of putting the onus of this bill mainly on to public lands. Well, the reality is most of the endangered species, in fact, 90 percent of the endangered species, are on private lands. So that provision that is in the substitute simply will not work.

I urge my colleagues to reject the challenge to the rule, to support the rule, and to support the underlying bill.

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me this time, and I thank him for his very important work on this vital piece of legislation.

I rise to support the rule and the underlying legislation and to begin by praising the gentleman from California (Mr. POMBO), the very distinguished chairman, for all of the effort that he has put in to assembling a bipartisan compromise on this.

I will say I am somewhat disturbed with what I just heard from the gentleman from California (Mr. CARDOZA) that 90 percent of this legislation was, in fact, crafted by Democratic staff. But I will say that if it embraces the core Republican goals that the gentleman from California (Mr. POMBO) is pursuing, I still will be supportive of it. But I think that that is demonstration of the fact that we are working in a bipartisan way and the gentleman from California (Mr. POMBO) has demonstrated his willingness to do just that.

When I think about the long struggle which the gentleman from California (Mr. POMBO) has been involved in for a decade to try to bring about reform of the Endangered Species Act, I think back to one of the challenges that we have in Southern California, and the gentleman from California (Mr. CALVERT), who has worked long and hard on this, represents part of Riverside County, and I recounted up in the Committee on Rules yesterday the fact that dealing with the Stephens' kangaroo rat, an endangered species, we had conflicting directives that came from government.

□ 1115

The fire department in Riverside County said you should clear the brush away from your homes to ensure that you do not face the threat of fire. The County of Riverside said to comply with the Endangered Species Act we would be jeopardizing the Stephens' kangaroo rat's life. And, by the way, the Stephens' kangaroo rat had been found in great numbers later in Texas, but we would jeopardize that if you did clear the brush away from your home.

What happened? To their benefit, many people who followed the directive of the fire department, their homes were saved; and, of course, those who did not tragically lost their homes because of fire.

We right now in Southern California are dealing with tremendous fire problems in that area; and, frankly, I do believe that the kind of reform that is going to be assembled in a bipartisan way on the Endangered Species Act will go a long way toward preserving property and to make sure that we diminish the kind of threat that does exist out there.

Recovery efforts, coupled with compensation for private property, that is a big part of what this effort is about. I congratulate, again, the gentleman from California (Mr. POMBO); and I know the gentleman from California

(Mr. CARDOZA) has been working very hard on this, obviously, because he has had a lot of impact, as he just outlined.

Mr. Speaker, I think that we can come with, I hope, a very, very strong vote from both Democrats and Republicans for both the rule and the underlying legislation. I thank again my friend for his efforts on this.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico (Mr. UDALL).

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me time, and I also thank him for his excellent presentation on the rule.

Mr. Speaker, I rise in opposition to the rule. Once again the folks running this place have made a mockery of the legislative process. This bill was put on a rocket docket so that no one knows what is in it. Look at how we have proceeded here.

First of all, last week, just a short 10 days ago, we first saw the bill. Some of the members of the committee did not even see it until Tuesday. Unveiled on Monday, and did not see it until Tuesday, Democrats and Republicans not knowing what is in the bill. On Wednesday, we had hearings, 2 short days later. We only had four witnesses and several hours of hearings; and the crucial witness in this case, the administration witness, would not even take a position on the bill.

Here is the agency that for 30 years has administered the bill, with the scientists, with the expertise, and the administration witness walks in and says, We do not know. We do not have an idea. Just go ahead.

We could have taken the time, I say to the gentleman from California (Chairman POMBO), to travel the country, to reach out and find out what was working with this law and what was not working and crafted a bipartisan bill. But that is not what we have here today.

After we had that hearing with four witnesses, the very next day, rather than waiting a day or two and seeing how the hearing went and what the reaction was, we marked up the bill and reported it out of committee. So at the end of the week we thought we had one bill. Well, last night in the Committee on Rules, there were major changes to the bill again in the manager's amendment.

So what the gentleman from California just said about the Democrats writing the bill, sure, we contributed some of the language, but the manager's amendment makes significant changes in this bill; and the things that we are really fighting over, we may have contributed 90 percent, but the things we are fighting over in the 10 percent are huge things at stake: this huge giveaway to big developers, major changes in the environmental laws. Those were written by others in the bill.

So this bill is an abomination. It has made mockery of the legislative process. I urge my colleagues to defeat the rule and start once again, start once again with a process that respects this institution.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. POMBO), the chairman of the Committee on Resources, the author of this bill, and somebody who has worked extremely hard on this for at least 12 years.

Mr. POMBO. Mr. Speaker, I thank the gentleman for yielding me time.

First of all, I want to thank the major coauthor of the bill, the gentleman from California (Mr. CARDOZA), for working with me in a bipartisan way over the last several months to craft a bipartisan solution to the problems that we have got with the Endangered Species Act.

I also would like to thank the gentleman from West Virginia (Mr. RAHALL), the ranking member on the committee, for all of the work that he put in, and that his staff put in, particularly Jim Zoia, who did yeoman's work in putting this bill together. Lori Sonken, Tod Willens, and Rob Gordon worked tirelessly to try to compromise and work out a bill that we could all be proud of, along with Hank Savage from the Office of Legislative Counsel.

We have come a long way, a long way, from where we were. This debate over endangered species has been raging across this country for years, and our effort was to throw away everything that we had tried to do in the past and put it aside and try to start again and say how do we sit down as members of the Committee on Resources and come to a solution that we can all agree with.

That is what we attempted to do. We knew that the Endangered Species Act had problems. We knew that there were things that had to be fixed, that just were not working in current law.

It is kind of ironic this morning to hear people come to the floor and talk about how radical the bill is and how quickly we moved on it. We have held over 50 hearings on the Endangered Species Act. We traveled around the country, going to places where people actually have to live with the implementation of the law and listened to them and what they told us. And we came back and we started to craft a bill.

I did not push through the bill that I wanted. I did not allow the gentleman from California (Mr. CARDOZA) or the gentleman from West Virginia (Mr. RAHALL) to push through the bill they wanted. We sat down and worked it out.

It is amazing to hear all of this stuff that is supposedly in the bill. From what I see, all of these folks are going to vote "no" on the bill and they are going to vote "no" on the substitute, because the substitute claims to be the same thing. It claims to deal with all

the same issues, and in fact they use the exact same language. "Critical habitat." Both bills use identical language. "Provide certainty for landowners." Both bills use identical language. "Provide incentive for landowners." Both bills use identical language. And on and on and on.

What is the major difference? What is the major difference? In our bill, we protect the small property owners. Yes, we do. And we should. If the Federal Government steps in and takes somebody's land for a highway, we all pay for it. I do not see people running down here screaming it is an entitlement. I do not see people running down here screaming that it is a budget buster if we pay people if we take that property for a highway.

If we take it for a wildlife refuge to protect a wildlife refuge, we pay them for it, and nobody is down here screaming about it saying it is an entitlement. Nobody is down here screaming, saying it is unfair to pay somebody if you take their property for a wildlife refuge.

If you take their land for a national park, we pay them for it, and nobody is saying that is an entitlement. Nobody is saying that we are busting the budget.

But when we get to endangered species, we tell a farmer, you cannot farm part of your land, 10 percent, 20 percent, 50 percent, whatever it is, you cannot farm that part of your land, now, all of a sudden, oh, we cannot do that.

Well, we have got the responsibility to do it. If you take away somebody's private property, if you take away the use of their private property, you have to pay them for it. There is nothing wrong with that. Why you guys are so wed to the old debates and the old rhetoric, I have no idea.

We sat down as a committee and we worked out this bill. Half the Democrats that voted in the committee voted for it. It was a bill that was worked out. It is not everything I wanted; it is not everything the gentleman from California (Mr. CARDOZA) wanted. It was a compromise, a reasonable way to protect endangered species, to protect the habitat in which they need to recover; and if that does involve private property, yes, we pay them for it. And, dang it, we should.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico (Mr. UDALL).

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, the gentleman from California tries to make the substitute and the bill that is on the floor sound the same; but there are major differences, and we should recognize that. First of all, let us talk about some of those differences.

The bill before us is a huge giveaway to big developers. It creates a program where the burden is on the government

to disprove. It basically does not put a dollar amount in the bill, because they are afraid of the dollar amount because it is an entitlement program for landowners that want to gut the Endangered Species Act. But the estimates are 10, 20, 30, 40 billion. Who knows how much this is going to cost.

Our bill, the substitute, does not do that. It is modest. It says we should work with private landowners. It sets up a program so that the government goes out and works with those landowners to accomplish the goals of the Endangered Species Act.

The majority bill, and this is another major difference, changes the Endangered Species Act in a radical, radical way, especially with the adoption of the manager's amendment. The substitute reforms the Endangered Species Act, while protecting the core provisions of that magnificent environmental law that has been on the books for 30 years.

At the end of this, we have not respected this institution by the way we brought the bill before the floor, the way we have worked in committee to put it on a rocket docket and speed it through, speed it through this process. We need to slow down. We need to take a look at this and work in a bipartisan way.

I urge my colleagues to defeat the rule.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would again urge my colleagues to, first of all, vote "no" on the rule, and I would also urge them to vote "no" on the underlying bill. I appreciate the work that the gentleman from California (Chairman POMBO) and others have put into this bill, but the bottom line is that the underlying bill eliminates habitat protections; it abandons the commitment to recovery of endangered species; it repeals protection against hazardous pesticides; it politicizes scientific decision-making; it eliminates the vital check-and-balance of consultation; it requires the Fish and Wildlife Service to allow unfettered habitat destruction; it would require taxpayers to pay developers, oil and gas companies and other industries, for complying with the law; and it is an entitlement.

I know the chairman has kind of objected to that characterization, but that is not my characterization. It is what CBO has concluded. It is what our colleague from Illinois (Mr. KIRK) who testified yesterday on behalf of the Republican Study Committee and the Republican Tuesday Group said last night in the Committee on Rules, that this bill creates an expensive new Federal entitlement program.

Mr. Speaker, the Endangered Species Act has done a great deal to protect endangered species. Everybody agrees that there needs to be adjustments. Everybody agrees that we can come together and make those necessary adjustments. But what we object to is that the underlying bill guts the En-

dangered Species Act. It is a bad bill; it is bad policy. I would urge my colleagues to vote "no" on the rule and the bill.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, there has been a lot of rhetoric thus far on the rule, and I suspect there will be a lot of rhetoric when we debate the bill; but there is one underlying thread here that needs to be mentioned. It was mentioned by the gentleman from Utah (Mr. BISHOP), the gentleman from California (Mr. CARDOZA), and the gentleman from Maryland (Mr. GILCREST).

□ 1130

That is that the Endangered Species Act needs to be updated.

I came here 10 years ago, and this is one of the big issues that was very important to my constituency when I first ran. There was talk then about amending the Endangered Species Act, but there was no agreement at all. We did get a bill out of committee. Unfortunately, it did not go any further.

But now we hear today that there is 90 percent agreement on the need to change the Endangered Species Act, but there is violent 10 percent disagreement on what those means should be. I contend that is huge, huge movement from where we have gone in 10 years. I do not know what the reasons are, but I expect the reasons are the inflammation of the existing Act.

So with that, Mr. Speaker, I urge support of the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. TERRY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### PROVIDING FOR CONSIDERATION OF H.J. RES. 68, CONTINUING APPROPRIATIONS, FISCAL YEAR 2006

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 469 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 469

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 68) making continuing appropriations for the