want to have retirement security. It is just a political statement when we could be doing a lot more.

This Congress can do so much more. Passage of this Defense Production Act is doing something, and I thank my friend for that. I urge its passage, and I yield back the balance of my time.

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

First of all, let me thank the gentleman from Colorado and my friends on the other side of the aisle for their work on and support of this Defense Production Act, for which I will call the vote in just a moment.

But as to comments that my friend from Colorado made, first of all, I think he knows I agree with him on Export-Import Bank and on terrorism risk insurance, so you are not going to have any debate from me there.

Clearly later this week, the action to sue the President will come on the floor. There will be plenty of time to debate on that.

Just one comment I would like to make. You mentioned bipartisanship, and I agree with you, there is not enough around here and there needs to be. In the end, you can never move the country forward sustainably without getting something that has support on both sides. So I agree on that.

But when I first got here almost 10 years ago, George W. Bush was President, and I saw a number of your colleagues, the Democrats, had a button that said ''article I.'' I am like, what is that? They said: Well, this is to show that we, Congress, are article I in the Constitution, the executive branch is article II, and we believe that President George W. Bush is treading upon the rights enumerated in the Constitution that rightly belong to the first branch of government, Congress.

Now, we, Republicans, believe that the current President, President Obama, is doing the same thing.

Here is a place where I think maybe we can have some bipartisanship at some point. When George W. Bush was President you thought he went too far. Many of us probably did too, but didn't say so because of sort of party loyalty. Now we believe this President is going too far. I would wager to guess that some of your side believe that too but aren't saying so because of party loyalty.

At some point, Republicans and Democrats in this institution, in this body, need to protect its constitutional responsibilities.

Mr. PERLMUTTER. Will the gentleman yield?

Mr. CAMPBELL. How much time do I have remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from California has 11½ minutes remaining.

Mr. CAMPBELL. I am happy to yield to the gentleman from Colorado.

Mr. PERLMUTTER. Mr. Speaker, I thank my friend.

The gentleman from California is absolutely right that to have sustainable movement of this country forward, it does take both sides of the aisle—Republican side of the aisle and Democratic side of the aisle.

I would suggest to my friend that Democrats did not have control of the House, did not bring legislation, or litigation, if you will, against President Bush. And I would suggest to my friend, take a look at the number of executive orders that Ronald Reagan issued, that Bill Clinton issued, that George H. W. Bush, and George W. Bush issued, compared to President Obama.

I appreciate your willingness to let me speak and just get that in.

Again, I urge the passage of the Defense Production Act.

Mr. CAMPBELL. I thank the gentleman from Colorado.

I understand the point. Some individual Members, I believe, did introduce—the House didn't per se—but did introduce some charges, if you will, against President Bush.

The point I am simply trying to make is, each side of the aisle has felt that the rights under the Constitution of this institution have been trodden upon by a President of the other side of the aisle. What the right response to that is and what the right remedy to that is we can debate. I am retiring at the end of this year, so I am leaving all of this for you all. But as we grow the executive branch, as we add more departments, and we add more things, we continue to concentrate power there and take it away from here.

This place, for all its faults and foibles, and it has plenty of them, it is accountable to the people. It is accountable to the people in a way that the executive branch can't ever be. That is why we on a bipartisan basis, if it is not with this President then with the next one, we need to start clawing some of those rights and responsibilities back to article I of the Constitution.

With that, Mr. Speaker, I thank again the cooperation and involvement of my friends on the other side of the aisle for the Defense Production Act, and I would ask for its passage.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CAMPBELL) that the House suspend the rules and pass the bill, H.R. 4809, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MASSIE. 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 motion will be postponed.

ENSURING PATIENT ACCESS AND EFFECTIVE DRUG ENFORCEMENT ACT OF 2014

Mr. PITTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4709) to improve enforcement efforts related to prescription drug diversion and abuse, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4709

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ensuring Patient Access and Effective Drug Enforcement Act of 2014''.

SEC. 2. REGISTRATION PROCESS UNDER CONTROLLED SUBSTANCES ACT.

(a) DEFINITIONS.—

(1) FACTORS AS MAY BE RELEVANT TO AND CONSISTENT WITH THE PUBLIC HEALTH AND SAFETY.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following:

''(i) In this section, the phrase 'factors as may be relevant to and consistent with the public health and safety' means factors that are relevant to and consistent with the findings contained in section 101.''.

(2) IMMINENT DANGER TO THE PUBLIC HEALTH OR SAFETY .—Section 304(d) of the Controlled Substances Act (21 U.S.C. 824(d)) is amended—

(A) by striking ''(d) The Attorney General'' and inserting ''(d)(1) The Attorney General''; and

(B) by adding at the end the following:

''(2) In this subsection, the phrase 'imminent danger to the public health or safety' means that, in the absence of an immediate suspension order, controlled substances—

''(A) will continue to be intentionally distributed or dispensed—

''(i) outside the usual course of professional practice; or

''(ii) in a manner that poses a present or foreseeable risk of serious adverse health consequences or death; or

''(B) will continue to be intentionally diverted outside of legitimate distribution channels.''.

(b) OPPORTUNITY TO SUBMIT CORRECTIVE ACTION PLAN PRIOR TO REVOCATION OR SUSPENSION.—Subsection (c) of section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) by striking the last two sentences in such subsection;

(2) by striking ''(c) Before'' and inserting ''(c)(1) Before''; and

(3) by adding at the end the following:

''(2) An order to show cause under paragraph (1) shall—

''(A) contain a statement of the basis for the denial, revocation, or suspension, including specific citations to any laws or regulations alleged to be violated by the applicant or registrant;

''(B) direct the applicant or registrant to appear before the Attorney General at a time and place stated in the order, but no less than thirty days after the date of receipt of the order; and

''(C) notify the applicant or registrant of the opportunity to submit a corrective action plan on or before the date of appearance.

''(3) Upon review of any corrective action plan submitted by an applicant or registrant pursuant to paragraph (2), the Attorney General shall determine whether denial, revocation or suspension proceedings should be discontinued, or deferred for the purposes of modification, amendment, or clarification to such plan.

''(4) Proceedings to deny, revoke, or suspend shall be conducted pursuant to this section in accordance with subchapter II of

chapter 5 of title 5. Such proceedings shall be independent of, and not in lieu of, criminal prosecutions or other proceedings under this title or any other law of the United States.

''(5) The requirements of this subsection shall not apply to the issuance of an immediate suspension order under subsection (d).''.

SEC. 3. REPORT TO CONGRESS ON EFFECTS OF LAW ENFORCEMENT ACTIVITIES ON PATIENT ACCESS TO MEDICATIONS.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs and the Director of the Centers for Disease Control and Prevention, and in consultation with the Administrator of the Drug Enforcement Administration and the Director of National Drug Control Policy, shall submit a report to the Committees on the Judiciary of the House of Representatives, the Committee on Energy and Commerce of the House of Representatives, the Committee on the Judiciary of the Senate, and the Committee on Health, Education, Labor and Pensions of the Senate identifying—

(1) obstacles to legitimate patient access to controlled substances;

(2) issues with diversion of controlled substances; and

(3) how collaboration between Federal, State, local, and tribal law enforcement agencies and the pharmaceutical industry can benefit patients and prevent diversion and abuse of controlled substances.

(b) CONSULTATION.—The report under subsection (a) shall incorporate feedback and recommendations from the following:

(1) Patient groups.

(2) Pharmacies.

(3) Drug manufacturers.

(4) Common or contract carriers and warehousemen.

(5) Hospitals, physicians, and other health care providers.

(6) State attorneys general.

(7) Federal, State, local, and tribal law enforcement agencies.

(8) Health insurance providers and entities that provide pharmacy benefit management services on behalf of a health insurance provider.

(9) Wholesale drug distributors.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PITTS) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. PITTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous materials into the RECORD on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PITTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us today is important and necessary legislation to bring greater clarity to the requirements for the safe and secure distribution and dispensing of controlled substances to combat the abuse of prescription drugs. H.R. 4709, the Ensuring Patient Access and Effective Drug Enforcement Act, introduced by my colleagues, Representative TOM MARINO of Pennsylvania, MARSHA BLACKBURN of Tennessee, PETER WELCH of Vermont, and JUDY CHU of California, will facilitate greater collaboration between industry stakeholders and regulators in an effort to combat our Nation's prescription drug abuse epidemic.

Safeguarding our prescription drug supply chain is important to protect against diversion and abuse of prescription medicines. H.R. 4709 will clarify key terminology in the Controlled Substances Act to give registrants a better understanding of their responsibilities under the law.

Further, the bill will allow DEA-registered companies to submit corrective action plans to address potential violations in the absence of an imminent danger, creating a more robust and meaningful dialogue about addressing drug diversion.

That should in turn curtail unnecessary supply chain disruptions that adversely affect patient access to much-needed medications.

Additionally, the legislation requires that a report be submitted to Congress by the Secretary of HHS in consultation with the DEA and other government and industry stakeholders about how collaboration between enforcement agencies and industry can benefit patients and prevent diversion and abuse.

Equally important, H.R. 4709 will improve enforcement efforts regarding the complex and challenging problem of prescription drug diversion and abuse. It will ensure patient access to necessary medications by creating a more collaborative partnership between drug manufacturers, wholesalers, retail pharmacies, and Federal enforcement and oversight agencies such as DEA and the FDA.

After hearings last April in the Health Subcommittee of the Energy and Commerce Committee, which I chair, we heard that a more feasible and practical solution to this serious problem of drug diversion and abuse is attainable, and those provisions are included in H.R. 4709. The legislation is supported by the National Community Pharmacists Association, the National Association of Chain Drug Stores, the Healthcare Distribution Management Association, as well as the Alliance to Prevent the Abuse of Medicines, among others.

I would like to acknowledge and thank my good friend, Congressman TOM MARINO, for his excellent work with this legislation. My friend from Pennsylvania is a former district attorney and former U.S. attorney. He understands the importance of law enforcement in this area. But he also understands that we will be more effective if we proceed in a collaborative, communicative, and transparent fashion. He has done excellent work here.

Mr. Speaker, by approving this legislation, we will be giving our Nation's law enforcement additional tools while protecting our patients and securing our drug supply chain in a reasonable, commonsense way.

I urge all of my colleagues to support this bill and vote for H.R. 4709.

I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 28, 2014.

Hon. FRED UPTON,
Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN UPTON: On June 10, 2014, the Committee on Energy and Commerce ordered reported H.R. 4709, the ''Ensuring Patient Access and Effective Drug Enforcement Act of 2014.'' As you know, the Committee on the Judiciary was given an additional referral on this measure upon introduction. As a result of your having consulted with the Judiciary Committee concerning provisions of the bill that fall within our Rule X jurisdiction, I agree to discharge the Committee on the Judiciary from further consideration of H.R. 4709.

The Judiciary Committee takes this action with our mutual understanding that, by foregoing consideration of H.R. 4709 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our committee will be appropriately consulted and involved as the bill or similar legislation moves forward. Our committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

Finally, I would appreciate your response to this letter confirming this understanding with respect to H.R. 4709, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration of the legislation on the House floor.

Sincerely,

BOB GOODLATTE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, July 29, 2014.

Hon. BOB GOODLATTE,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN GOODLATTE: Thank you for your letter regarding H.R. 4709, the ''Ensuring Patient Access and Effective Drug Enforcement Act of 2014.'' As you noted, the Committee on the Judiciary was given an additional referral on this measure upon introduction, and I appreciate your willingness to discharge the Committee from further consideration of H.R. 4709.

I agree that this action is not a waiver of any of the Committee on the Judiciary's jurisdiction over the subject matter contained in this or similar legislation, and that the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward. In addition, I understand the Committee reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and you will have my support for any such request.

Finally, I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 4709 on the House floor.

Sincerely,

FRED UPTON,
Chairman.

Mr. PALLONE. Mr. Speaker, at this time, I yield as much time as he may consume to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. Mr. Speaker, I thank the gentleman, and I endorse everything that the chairman just spoke about.

I am proud that the House is taking up this bipartisan action today to address an issue that impacts each of our districts, and that is prescription drug abuse.

I want to thank especially Mr. MARINO, who is using his experience to bring this legislation to the floor, and it was great working with him, Mrs. BLACKBURN, and also with Congresswoman CHU.

Vermont is facing an opiate epidemic. That is true in many States around the country. In addition to the alarming increases in heroin abuse, we have had admissions in Vermont for prescription drug abuse that have increased 361 percent from 2005 to 2013.

As we have seen in my State, we are most effective in dealing with this public health crisis when everybody who has a stake in this works together. That is the collaborative approach that Mr. PITTS mentioned. That has got to be the providers, the public health officials, law enforcement, distributors, pharmacists. They have all got to come together to tackle this problem.

If we don't have flexibility and collaboration we can do something that might make enforcement tighter, but access to legitimate prescription drugs tougher. So the goal here is to get the balance right. We want to help folks get access to the prescription medication that they need. It alleviates suffering and it eliminates pain, but we want to make sure that the enforcement is solid so there isn't the abuse.

Today, distributors, like Burlington Drug Company in Vermont, and local pharmacies face very unpredictable enforcement from the DEA. DEA has a job, but so do the drug distributors and the doctors. That inconsistent enforcement—that unpredictable enforcement, I should say—can lead to disruptions in the supply chain, which end up limiting patient access to legitimate prescription drugs.

□ 1445

The Ensuring Patient Access and Effective Drug Enforcement Act will encourage collaboration between law enforcement, members of the supply chain, and public health providers and officials, while ensuring that patients have the access to the treatment their doctor has prescribed.

So this is, as you mentioned, Mr. PITTS, common sense. It is collaboration. It is working together and having mutual respect that each entity in this process has its own job to do, but for all of us to do it together, we have got to work together and communicate.

It has been great to work with Representatives MARINO, BLACKBURN, and CHU on this bill. I thank them for their leadership. I want to also thank Chairman UPTON and Ranking Member WAXMAN for their leadership, and, of course, Mr. PALLONE and Mr. PITTS.

I urge my colleagues to support H.R. 4709.

Mr. PITTS. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN), vice chairman of the Energy and Commerce Committee and another leader on this issue.

Mrs. BLACKBURN. Mr. Speaker, I want to thank the chairman for his work on this issue and for working with Congressmen MARINO and WELCH and Congresswoman CHU as we sought to move the issue forward. We also thank Chairman UPTON for working with us as we brought the issue forward.

The gentleman from Vermont mentioned the epidemic and the widespread abuse that is taking place in prescription drugs and the need to do something about that. We all agree on this, and here are some stats that really back this up and show why it has become an epidemic.

In 2013, more people died in the U.S. from prescription drug abuse than from heroin and cocaine combined. Deaths involving prescription pills quadrupled between 1999 and 2010.

In 2012, the number one cause of death in 17 States was prescription drug abuse. In 2008, more than 36,000 people died from drug overdoses. Most of these death were caused by prescription drugs. That 36,000 number isn't a number to be taken lightly. It is associated with names and faces and serves as a stark reminder to every family member who has lost a loved one to an overdose.

More can and must be done to treat this growing epidemic. That is why we have all worked together on H.R. 4709, the Ensuring Patient Access and Effective Drug Enforcement Act of 2014. Our bill seeks to facilitate greater collaboration between industry stakeholders and regulations in our Nation's effort to combat prescription drug abuse.

There are three things that we set out to accomplish in this bill. Number one is to provide clarity to the phrase ''imminent danger to the public health or safety'' to ensure the law is crystal clear for both the DEA and legitimate businesses who want to understand what the rules of the road are, so they can do the right thing. Definitions matter and have real consequences.

Number two is require the Secretary of HHS to consult with industry players in the pharmaceutical supply chain; key regulatory agencies; Federal, State, local, and tribal law enforcement agencies; and public health experts to create a report to come to Congress within 1 year of enactment.

Number three is establish procedures for companies registered with the DEA to work together to develop corrective action that addresses concerns and clarifies key terminology in the Controlled Substances Act, so that everyone knows and has a better understanding of how to comply with the law.

This bill will not solve every problem that prescription drug abuse faces. It is one that is important that we take this meaningful step. It is a good step.

Congressman MARINO, who has led on this issue, is to be commended. We have appreciated the opportunity to work with him to address what is an epidemic in so many of our communities and States.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4709, the Ensuring Patient Access and Effective Drug Enforcement Act of 2014. This bill would help prevent prescription drug abuse, establish clear and consistent enforcement standards, and ensure patients have access to needed medications by promoting collaboration between government agencies, patients, and industry stakeholders.

It will help drug distributors and others work with the Drug Enforcement Administration to keep controlled substance prescription drugs out of the hands of drug abusers. It will also help them avoid inappropriately limiting legitimate access to these same drugs by patients who need them. Achieving that balance is a difficult challenge.

H.R. 4709 would provide definitions in the Controlled Substances Act for the phrases ''consistent with the public health and safety'' and ''imminent danger.'' It also would require the DEA to provide registrants an opportunity to submit an action plan to correct any violations of law or regulation for which DEA is considering revoking or suspending their controlled substance.

It would require FDA, in consultation with DEA, to submit a report to Congress 1 year after enactment on collaborative efforts to benefit patients and prevent diversion and abuse of controlled substances.

I want to commend Energy and Commerce members MARSHA BLACKBURN and PETER WELCH, as well as Representatives TOM MARINO and JUDY CHU, for their sponsorship of this bipartisan legislation. Of course, I also thank my colleagues, Chairman UPTON, Chairman PITTS, Ranking Member WAXMAN, and all other staff who have all been instrumental in bringing H.R. 4709 to the floor today.

I urge my colleagues to join me in supporting this legislation, and I yield back the balance of my time.

Mr. PITTS. Mr. Speaker, I am pleased to yield such time as he may consume to my friend, the gentleman from Pennsylvania (Mr. MARINO), the leader on this issue.

Mr. MARINO. Mr. Speaker, in early 2013, a pharmacist told me about problems he was having accessing necessary prescriptions for his customers, many of whom were older cancer patients suffering with chronic pain.

What started out as a simple conversation with a constituent soon turned into serious concerns about problems in the prescription drug supply chain, problems that we aim to address here today by passing H.R. 4709, the Ensuring Patient Access and Effective Drug Enforcement Act.

Any legitimate business involved in distributing or dispensing prescriptions welcomes appropriate oversight and regulation. Further, we know these businesses value a collaborative working relationship with agencies like the Drug Enforcement Administration.

Manufacturers, distributors, and pharmacies alike are on the front lines every day in the fight to end the prescription drug abuse epidemic. They are making efforts to educate prescribers and patients about the safe use and disposal of prescriptions and working to implement prescription drug monitoring programs that will reduce the illegal diversion of powerful opioid pain relievers.

Despite a strong commitment to being part of the solution, distributors and pharmacists are finding that the unnecessary adversarial regulatory environment created by the DEA is putting effective enforcement outcomes in jeopardy.

As a former district attorney and United States attorney, I have fond memories of working with DEA agents to put away drug dealers. To say that I have the highest regard for the DEA and the work they do does not even begin to convey my respect for the agency and its front-line employees.

I actually went with agents and busted down drug houses. They were watching my back. I trusted them then, and I trust them now. That is why I am so passionate about this subject and why I think it is necessary to pass H.R. 4709 today.

This bill will bring much-needed clarity to critical provisions of the Controlled Substances Act. In doing so, we will ensure that the DEA's authorities are not abused and threatened by future legal challenges; foster greater collaboration, communication, and transparency between the DEA and supply chain; create more opportunities to identify bad actors at the end of the supply chain; and, most importantly, be certain that prescriptions are accessible to patients in need.

We are all in this together. We cannot enforce our way out of this epidemic. Education, treatment, and enforcement are all critical to addressing the problem, but so is collaboration.

The clarity that H.R. 4709 brings will ensure that the current regulatory culture evolves into one that rewards cooperation and brings more successful diversion control efforts in the future.

I want to thank my friend, Congresswoman BLACKBURN, for working closely with my team and me to develop the bill. I want to thank our champions on the other side of the aisle, Dr. JUDY CHU and Representative PETER WELCH, for their leadership and efforts to bring us here today.

We could not have achieved this without the efforts of Chairman PITTS and Chairman UPTON and their staff on the Energy and Commerce Committee. I also must thank House Judiciary Committee Chairman GOODLATTE for his forthright suggestions that made this a more effective measure worthy of consideration by this House.

Mr. PITTS. Mr. Speaker, I urge all of my colleagues to support this bipartisan legislation, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCCLINTOCK). The question is on the motion offered by the gentleman from Pennsylvania (Mr. PITTS) that the House suspend the rules and pass the bill, H.R. 4709, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

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

21ST CENTURY ENDANGERED SPECIES TRANSPARENCY ACT

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, H.R. 4315.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 693 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 4315.

The Chair appoints the gentleman from Illinois (Mr. RODNEY DAVIS) to preside over the Committee of the Whole.

□ 1457

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4315) to amend the Endangered Species Act of 1973 to require publication on the Internet of the basis for determinations that species are endangered species or threatened species, and for other purposes, with Mr. RODNEY DAVIS of Illinois in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Washington (Mr. HASTINGS) and the gentleman from Oregon (Mr. DEFAZIO) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring before the House legislation that would help update and improve the Endangered Species Act, a law that was passed initially 40 years ago, but has not been reauthorized since 1988.

H.R. 4315 melds together four commonsense and focused bills introduced earlier this year by myself and my colleagues, Mrs. LUMMIS of Wyoming, Mr. NEUGEBAUER of Texas, and Mr. HUIZENGA of Michigan. While respecting the original intent of the ESA to conserve species, this bill would help make the law more effective for both species and people.

□ 1500

Because of the more than 500 ESA-related lawsuits that have been filed against the government during this administration alone, it has become clear that costly litigation is not only driving ESA priorities but that litigation has become an impediment to species recovery.

I should also note that, regardless of what some groups are saying, this is not a comprehensive bill. It is four sections that aim to increase transparency; to enlist greater consultation by States, localities, and tribes; and to reduce taxpayer-financed attorneys' fees to help invest more funding in actual species recovery.

For example, section 2 of the bill requires data used by Federal agencies that decide which species should be added to the threatened or endangered list to be publicly available and accessible through the Internet. What a remarkable idea—transparency. The last significant update to the ESA was when the Internet was in its infancy stages. Posting data supporting key ESA decisions online will greatly enhance transparency and data quality. The American people should be able to access such data before Federal listing or delisting decisions are final.

It is troubling that hundreds of sweeping listing decisions by the Fish and Wildlife Service and the National Marine Fisheries Service cite unpublished studies, professional opinions, and other sources that are inaccessible to the public, yet this data would be used to regulate the very people who don't have access to this information. This secrecy goes against the grain of good science and transparency. Data transparency is not only good for the American public, in that it makes our government more accountable, but it is also good for species because it allows for an open conversation about improving species science.

As biologist Rob Roy Ramey testified at a Natural Resources Committee hearing:

> When the data are not publicly accessible, legitimate scientific inquiry and debate is effectively eliminated, and no independent third party can produce the results. This action puts the basis of some ESA decisions outside the realm of science, and species recovery is no better off. Withholding data does not further the goal of species recovery.

I couldn't agree more with that statement, especially when over 700 species could potentially be listed over