
LEGISLATIVE ALERT

July 11, 2002

ESA VICTORY: Sound Science Legislation Passes House Resources Committee

Yesterday's passage of H.R. 4840, the "Sound Science for Endangered Species Planning Act of 2002," by the House Resources Committee by a vote of 22-18 marks the greatest Endangered Species Act reform victory this Congress. The persistence of NESARC members who have diligently worked in recent months to muster the support of Committee members has helped to send this important legislation to the House floor.

The Committee approved a substitute version offered by Chairman Jim Hansen (R-UT) that addressed some of the concerns raised in hearings last month by the Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS). The substitute adds "obstruction or adverse modification of critical habitat" to the covered actions that require field-tested and empirical data to be weighed above other kinds of data. Other covered actions include listing, delisting, decisions of jeopardy and decisions of no jeopardy.

In terms of peer review, Hansen's substitute amendment also disqualifies a person from sitting on a peer review board if the person has a conflict of interest, as determined by the governor of the state or the secretaries of Interior or Commerce. The amendment also provides compensation for peer reviewers if funds are available, since both FWS and NMFS expressed concern about the financial burden that paying reviewers would place on the agencies. The substitute extended to eighteen months many of the 12-month deadlines that were laid out in the original version of the bill based on FWS and NMFS concerns regarding the period of time necessary to convene a peer review panel. Finally, Hansen added non-jeopardy opinions to the list of actions subject to review by the peer review board.

Prior to voting on the legislation, the Committee rejected a substitute amendment from Committee Ranking Member Nick Rahall (D-WV). Although some Republicans on the Committee applauded Democrats for offering a proposal that includes peer review, the overwhelming consensus was that Rahall's substitute did nothing to integrate better science into the decision making process. Rahall's amendment failed by a vote of 18-22.

This victory has now set the stage for a debate on the floor of the U.S. House of Representatives. In order to ensure that our current advocates in Congress remain committed to this legislation, and to continue to pursue the bipartisan support that we will need for continued success, we are asking that you

call, e-mail, or write members of the House Resources Committee to **thank them for voting yesterday afternoon to send H.R. 4840 to the House floor.** The list below indicates the final Committee vote on the legislation.

Thanks again to all NESARC members for your continued efforts in moving this legislation one step closer to reforming the ESA!!

Members voting in support of H.R 4840 (22)

James V. Hansen, R-UT	Barbara Cubin, R-WY	Tom Tancredo, R-CO
Don Young, R-AK	George P. Radanovich, R-CA	J.D. Hayworth, R-AZ
Elton Gallegly, R-CA	William Thornberry, R-TX	C. L. "Butch" Otter, R-ID
John J. Duncan Jr., R-TN	Christopher B. Cannon, R-UT	Tom Osborne, R-NE
Wayne T. Gilchrest, R-MD	John E. Peterson, R-PA	Denny Rehberg, R-MT
Ken Calvert, R-CA	Mark Souder, R-IN	Cal Dooley, D-CA
Scott McInnis, R-CO	Greg Walden, R-OR	
Richard W. Pombo, R-CA	Mike Simpson, R-ID	

Members voting against H.R 4840 (18)

Nick J. Rahall II, D-WV	Frank Pallone Jr., D-NJ	Mark Udall, D-CO
George Miller, D-CA	Adam Smith, D-WA	Rush D. Holt, D-NJ
Edward J. Markey, D-MA	Ron Kind, D-WI	Hilda L. Solis, D-CA
Dale E. Kildee, D-MI	Jay Inslee, D-WA	Brad Carson, D-OK.
Peter A. DeFazio, D-OR	Grace F. Napolitano, D-CA	Betty McCollum, D-MN
Neil Abercrombie, D-HI	Tom Udall, D-NM	Tim Holden, D-PA

Members not in attendance (12)

Billy Tauzin, R-LA	Bob Schaffer, R-CO	Solomon P. Ortiz, D-TX
H. James Saxton, R-NJ	Jim Gibbons, R-NV	Robert A. Underwood, D-GU
Joel Hefley, R-CO	Jeff Flake, R-AZ	Donna M.C. Christensen, D-VI
Walter B. Jones, R-NC	Eni F.H. Faleomavaega, D-AS	Anibal Acevedo-Vila, D-PR

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