

S. 2009. A bill to amend the Endangered Species Act of 1973 to require the Secretary of the Interior to give greater weight to scientific or commercial data that is empirical or has been field-tested or peer-reviewed, and for other purposes; to the Committee on Environment and Public Works.

Mr. SMITH. Mr. President, today as my first legislative action of the new session, I am introducing important legislation that would require a higher standard for the science used in administering the Endangered Species Act. The Sound Science for Endangered Species Act Planning Act of 2004 would require independent scientific peer review of certain actions taken by the regulatory agencies under the Endangered Species Act. In addition, it would require the Secretary of the Interior and the Secretary of Commerce to give greater weight to scientific or commercial data that is empirical or has been field-tested or peer-reviewed.

In recent years, we in the northwest have experienced a number of situations in which Federal agency scientists either demanded actions not supported by scientific data, or actually fabricated the data itself. In December 2001, it was revealed that Federal employees had submitted hairs from a captive Canada lynx as though they had been recovered during field surveys in several national forests to determine the range and habitat of this threatened species.

It was also revealed in an Oregon newspaper that a Forest Service biologist criticized his own agency for shoddy work. This employee called into question much of the information collected over 18 years on one national forest, claiming that determinations for projects were based on sketchy information that was not accomplished according to protocol, or not collected at all. Rather than denying these charges, the Forest Service acknowledged that they had some validity, and launched an investigation.

The most egregious example of decisions not based on scientific evidence, however, occurred in the Klamath Basin in 2001. As many of you may recall, I have come to the floor of the Senate on many occasions over the last several years to plead the case of the farmers and ranchers in the Klamath Basin. In 2001, field-level biologists with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service developed two separate biological opinions on the operation of the Klamath Project, as it related to suckers and coho salmon, respectively.

Taken together, these two biological opinions sought to both raise the lake of level of Upper Klamath Lake and increase flows in the Klamath River, at the time the basin was experiencing a severe drought. On April 6, 2001, the Bureau of Reclamation announced that the agency would deliver no water to most of the agricultural lands that had received irrigation water from the Federal project for almost 100 years.

I cannot begin to describe the human toll that these biological opinions exacted on the farmers and ranchers in the Klamath Basin. Those who still have their farms lost most of their farm income that year. Many depleted their life savings just to hold onto their land. Ranchers were forced to sell off livestock herds that year. Stable farm worker communities were decimated as families moved to find work.

The real tragedy is that none of this had to occur. Late last year, scientists with the National Research Council found that the two key decisions regarding the operation of the Klamath Project that deprived farmers of their water lacked "substantial scientific support."

This situation should never be repeated. Decisions of this magnitude under the Endangered Species Act must be peer reviewed, and some standard for the science used in these decisions must be established.

I was in Klamath Falls the day after the decision was made to cut off water to the farmers. I will never forget the anguish on the faces of the people I met with that day. Many were World War II veterans who received homesteads in this Basin after the war or their children, none of whom could believe that this action was being taken by a government "of the people, for the people, and by the people."

Our constituents deserve better from their Government. They will get it if this bill is enacted. There is an identical bill in the House that has bipartisan support, and 63 cosponsors. I urge my colleagues to join me in cosponsoring this reasonable bill to help restore sound science to agency decision-making.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 284—COMMEMORATING THE LIFE OF WILLIAM V. ROTH, JR., FORMER MEMBER OF THE UNITED STATES SENATE FROM THE STATE OF DELAWARE

Mr. BIDEN (for himself, Mr. CARPER, Mr. FRIST, Mr. DASCHLE, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Ms. CANTWELL, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolina, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mrs.

HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MILLER, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. PRYOR, Mr. REED, Mr. REID, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 284

Whereas William V. Roth, Jr. was born on July 22, 1921 in Great Falls, Montana, was raised in Helena, Montana, graduated from the University of Oregon, and earned law and business degrees from Harvard University;

Whereas William V. Roth, Jr. was decorated with a Bronze Star for meritorious service with Army military intelligence in the South Pacific during World War II;

Whereas William V. Roth, Jr. moved to Delaware in 1955 and resided in Delaware until his death;

Whereas William V. Roth, Jr. was elected to the House of Representatives in 1966, and served the State of Delaware with distinction until his election to the United States Senate in 1970;

Whereas William V. Roth, Jr. continued to serve the State of Delaware and the United States in the Senate from 1971 to 2001, where he personified the title "Honorable";

Whereas William V. Roth, Jr. championed tax and savings reforms and deficit reduction as Chairman and a member of the Senate Committee on Finance;

Whereas William V. Roth, Jr. worked tirelessly to control government spending as Chairman and a member of the Senate Committee on Governmental Affairs and to shape foreign policy as president of the North Atlantic Treaty Organization (NATO) Parliament Assembly and chairman of the Senate NATO Observer Group;

Whereas William V. Roth, Jr. was a man of integrity, decency, and character who was committed to his family and to the people of Delaware; and

Whereas William V. Roth, Jr. was a trusted friend and colleague and a dedicated public servant: Now, therefore, be it

Resolved, That—

(1) the Senate has learned with profound sorrow and deep regret of the death of the Honorable William V. Roth, Jr., formerly a Senator from the State of Delaware;

(2) the Secretary of the Senate shall communicate this resolution to the House of Representatives and transmit an enrolled copy of this resolution to the family of William V. Roth, Jr.; and

(3) upon adjournment today, the Senate shall stand adjourned as a further mark of respect to the memory of William V. Roth, Jr.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2232. Mr. GRASSLEY (for himself, Mr. HATCH, Mr. LUGAR, Mr. MILLER, and Mr. SPECTER) submitted an amendment intended to be proposed by him to the bill S. 274, to