



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

September 29, 2005  
(House)

## STATEMENT OF ADMINISTRATION POLICY

### H.R. 3824 - Threatened and Endangered Species Recovery Act of 2005

(Rep. Pombo (R) CA and 29 cosponsors)

The Administration supports House passage of H.R. 3824. The Administration supports the work of the Resources Committee in developing bipartisan legislation to improve and update the Endangered Species Act, and we will work with Congress to address our concerns as the bill moves through the legislative process.

We appreciate the importance of respecting private property rights and generally support provisions of the bill that will better enable the Federal Government to set priorities, provide stability for landowners and encouragement of private stewardship, and focus over the long term on the recovery of endangered species. We also recognize the importance of decisions informed by scientific standards that are transparent and supported by generally accepted scientific practices. The Administration supports replacement of the existing critical habitat provisions with other mechanisms that will truly create, enhance, restore, and conserve habitat. The existing critical habitat provisions have resulted in a process driven by lawsuits rather than science and wildlife protection priorities. The Administration believes that the habitat needs of listed species can be better addressed through the recovery planning process and cooperative conservation grants and partnerships.

The bill's recovery planning provisions, together with the Administration's focus on improved cooperation, consultation, and partnerships with landowners, which is producing significant gains in habitat improvement and restoration, will more effectively accomplish conservation and delisting of species. The Administration also supports the bill's provisions to increase consultation and coordination with States, Tribes, and local governments.

The Administration, however, has concerns with particular provisions of H.R. 3824. The requirements related to the species recovery agreements, new statutory deadlines, and the new conservation aid program for private property owners provide little discretion to Federal agencies and could result in a significant budgetary impact.

The Administration appreciates the Committee's intent to reduce litigation and shares that goal. However, the new definition of jeopardy in the bill, as well as various statutory deadlines, may generate new litigation and further divert agency resources from conservation purposes. The Administration anticipates working with Congress to craft language that effectively resolves these concerns.

The Administration is continuing to review H.R. 3824 and intends to work with Congress

to address these and additional concerns that it identifies as the bill moves through the legislative process.

### Budget Estimates and Enforcement

This bill would affect direct spending. To sustain the economy's expansion, it is critical to exercise responsible restraint over Federal spending. The Budget Enforcement Act's pay-as-you-go requirements and discretionary spending caps expired on September 30, 2002. The President's FY 2006 Budget includes a proposal to extend the discretionary caps through 2010, a pay-as-you-go requirement for direct spending, and a new mechanism to control the expansion of long-term unfunded obligations.

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