

**Opening Statement
The Honorable Ed Markey
Committee on Natural Resources
Tuesday, December 6, 2011**

Oversight Hearing entitled “The Endangered Species Act: How Litigation is Costing Jobs and Impeding True Recovery Efforts.”

Thank you, Mr. Chairman.

It is hard to believe that it was almost fifty years ago that Rachel Carson warned us of the potential for a silent spring. At that time bird populations – including our national symbol, the Bald Eagle – were decimated. Bears and wolves, icons of the western wilderness, were on the verge of extermination. Whales that had once been plentiful in the ocean were rare. Although whale oil brings to mind the era of Herman Melville and Moby Dick, the auto industry was still using it as a lubricant in 1970.

In response to these palpable losses, Congress passed the Endangered Species Act in 1973 to save species and their habitats. The law has been extremely successful at preventing extinction and in setting species on a path to recovery. In fact, only two species have gone extinct after receiving protection by the law.

Much like the animals it is bound to protect, the Endangered Species Act is that rarest of laws that has become a victim of its own success. We struggle to recall the dire circumstances that led to its creation in the first place.

Preventing extinction and recovering species is not just the right thing to do, it is the economically sensible thing to do. Biodiversity of plants, fish, and wildlife provide us with important benefits, from lifesaving drugs to clean drinking water. Nature has been producing cures for millions of years, including aspirin from the willow tree and high blood pressure medications from the pit viper. Imagine that -- a weeping tree that salves pain and snake oil that actually soothes the heart.

Hunting, fishing and wildlife watching produces \$120 billion in annual revenues and employs more than 2.6 million people. In 2008 alone, tourists spent more than \$125 million to travel and visit Stellwagen Bank National Marine Sanctuary off the coast of my home state of Massachusetts.

The Endangered Species Act also continues to receive strong support across state and party lines. The vast majority of Americans, both Democrats and Republicans, of all ages, ethnicities, and education, strongly support the Endangered Species Act. Americans also agree that decisions about wildlife protection should be made by scientists, not politicians, as the law requires.

Yet Republicans, through legislative proposals, reductions in appropriations, and funding limitations, continue to demonstrate their predilection for extinction.

If we want to recover endangered species, we must first work to provide adequate funds to implement the Act. The Endangered Species Act has been chronically underfunded. Our Republican counterparts have cut the Fish and Wildlife Service's endangered species budget for next year by \$44 million and the National Oceanic and Atmospheric Administration's budget for protected species by \$28 million.

Today we will hear from the Majority that litigation is hindering the recovery of endangered species. But the majority of activities that occur because of the Endangered Species Act take place without litigation. For example, on the lower Colorado River, a long-term program is in place to balance the interests of water users with conservation of endangered species, all without litigation.

When appropriate, litigation is used by industry and environmental groups alike to ensure that the government follows the rule of law. Litigation gives citizens the ability to challenge the decisions of the government when they believe they have been wronged. It is as fundamental to our rights as freedom of speech or the right to vote.

Captain Ahab is famously known for fixating all of his anger and blame on Moby Dick. Similarly, the Majority's white whale is the litigants who are striving to ensure that the Endangered Species Act is implemented in accordance with the law. This whale of a tale only serves to distract us from preventing extinction and recovering species for our own benefit and for the benefit of future generations.