

MARINE TURTLE CONSERVATION REAUTHORIZATION ACT
OF 2009

JULY 10, 2009.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 509]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 509) to reauthorize the Marine Turtle Conservation Act of 2004, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Marine Turtle Conservation Reauthorization Act of 2009”.

SEC. 2. AMENDMENTS TO PROVISIONS PREVENTING FUNDING OF PROJECTS IN THE UNITED STATES.

(a) **IN GENERAL.**—The Marine Turtle Conservation Act of 2004 is amended—

(1) in section 2(b) (16 U.S.C. 6601(b)), by striking “in foreign countries”;

(2) in section 3(2) (16 U.S.C. 6602(2))—

(A) in the matter preceding subparagraph (A), by striking “in foreign countries”; and

(B) in subparagraph (D), by striking “of foreign countries”; and

(3) in section 4 (16 U.S.C. 6603)—

(A) in subsection (b)(1)(A), by inserting “State or” before “foreign country”; and

(B) in subsection (d), by striking “in foreign countries”;

(b) **STATE DEFINED.**—Section 3 of such Act (16 U.S.C. 6602) is amended by adding at the end the following new paragraph:

“(7) **STATE.**—The term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, and any Indian tribe.”.

SEC. 3. LIMITATIONS ON EXPENDITURES.

Section 5(b) of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6604(b)) is amended—

(1) in paragraph (2), by striking “\$80,000” and inserting “\$150,000”; and

(2) by adding at the end the following new paragraph:

“(3) **LIMITATION ON PROJECTS IN THE UNITED STATES.**—Not more than 20 percent of the amounts made available from the Fund for any fiscal year may be used for projects relating to the conservation of marine turtles in the United States.”.

SEC. 4. REAUTHORIZATION OF THE MARINE TURTLE CONSERVATION ACT OF 2004.

Section 7 of the Marine Turtle Conservation Act of 2004 (16 U. S. C. 6606) is amended by striking “each of fiscal years 2005 through 2009” and inserting “each of fiscal years 2009 through 2014”.

Amend the title so as to read:

A bill to reauthorize the Marine Turtle Conservation Act of 2004, and for other purposes.

PURPOSE OF THE BILL

The purpose of H.R. 509, as ordered reported, is to reauthorize the Marine Turtle Conservation Act of 2004, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Marine sea turtles have existed in the world’s oceans for more than 100 million years. They are air-breathing reptiles that are found in tropical and subtropical seas throughout the world. It is generally accepted that there are seven distinct species of marine turtles. The six species that are found in waters of the United States and its territories and possessions include the green, hawksbill, Kemp’s Ridley, leatherback, loggerhead and olive ridley.

As a result of intentional and accidental capture in fisheries, the destruction of essential nesting habitat through coastal development, poaching of eggs, meat and shells, entanglement in marine debris, ship strike and ocean pollution, the future of several marine turtle species is now in serious jeopardy. In June of 1994, 19 members of the Marine Turtle Specialist Group of the Species Survival Commission of the International Union for Conservation of Nature and Natural Resources met in Puerto Vallarta, Mexico. They produced a document entitled *Global Strategy for the Conservation of Marine Turtles*, which outlined various strategies to save these species from extinction. One of its recommendations was to augment existing funding to promote the conservation of marine turtles and marine turtle nesting habitat. Additional resources would allow the funding of various projects, including activities such as mapping the distribution of nesting beaches, monitoring the trade in turtle products, greater use of satellite telemetry to track the movement of sea turtles, more robust assistance to support law enforcement efforts to stop poaching, and educational outreach for those communities that provide nesting habitat for marine turtles.

In response to these recommendations, in 2004 Congress passed the Marine Turtle Conservation Act (Public Law 108–266). This law, patterned after other similar laws authorizing additional wildlife conservation funds in the Multinational Species Conservation Fund, authorized \$25 million over a five-year period to support project grants to conserve, protect and recover marine turtle populations. In Fiscal Year 2008 the U.S. Fish and Wildlife Service

awarded 24 project grants under this program, which generated an additional \$1.2 million in non-federal matching contributions.

COMMITTEE ACTION

H.R. 509 was introduced on January 14, 2009 by Representative Henry E. Brown, Jr. (R-SC). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Insular Affairs, Oceans and Wildlife. On May 5, 2009 the Subcommittee held a hearing on the bill; invited witnesses all expressed support for reauthorization of the Act.

On June 10, 2009, the Subcommittee was discharged from further consideration of H.R. 509 and the Full Natural Resources Committee met to consider the bill. Rep. Brown offered an amendment in the nature of a substitute to make amend the Act to authorize project grants in the United States; to allow no more than twenty percent of the funds made available each year to support grants projects in the United States; and, to increase the annual allowance for program administration to be three percent of the amounts made available or \$150,000, whichever is greater. The amendment was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that this Act may be cited as the “Marine Turtle Conservation Reauthorization Act of 2009.”

Section 2. Amendments to provisions preventing funding of projects in the United States

Section 2 provides for the expansion of marine turtle conservation assistance under the Marine Turtle Conservation Act of 2004 to include the United States and its territories.

Section 3. Limitations on expenditures

Section 3 authorizes an increase in administrative expenses from \$80,000 to \$150,000 and limits funds made available for projects relating to the conservation of marine turtles in the United States to no more than 20 percent of the Marine Turtle Conservation fund for any fiscal year.

Section 4. Reauthorization of the Marine Turtle Conservation Act of 2004

Section 4 amends section 7 of the Marine Turtle Conservation Act of 2004 to reauthorize appropriations to the Marine Turtle Conservation Fund for fiscal years 2009 through 2014.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d) (2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to reauthorize the Marine Turtle Conservation Act of 2004, and for other purposes.

4. Congressional Budget Office Cost Estimate. Under clause 3(c) (3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 509—Marine Turtle Conservation Reauthorization Act of 2009

Summary: H.R. 509 would authorize the appropriation of \$5 million for each of fiscal years 2010 through 2014 for the Department of the Interior to support programs to protect and conserve marine turtles. The bill also would make states eligible for those funds, which are now available to foreign or international organizations and other entities involved in marine turtle conservation (current law authorizes funding of \$5 million annually through fiscal year 2009 for this program). CBO estimates that implementing H.R. 509 would cost \$24 million over the 2010–2014 period, assuming appropriation of the authorized amounts. Enacting the bill would not affect direct spending or revenues.

H.R. 509 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 509 is shown in the following table. CBO assumes that the amounts authorized by the bill will be appropriated by the start of each fiscal year and that outlays will follow the historical rate of spending for these activities. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2010	2011	2012	2013	2014	2010– 2014
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level	5	5	5	5	5	25
Estimated Outlays	1	4	8	6	5	24

Intergovernmental and private-sector impact: H.R. 509 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. If enacted, this bill would make state and tribal governments eligible for grants to protect and conserve marine turtles. Any costs to those governments would be incurred voluntarily as a condition of receiving federal assistance.

Estimate prepared by: Federal Costs: Mark Grabowicz; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 509 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

MARINE TURTLE CONSERVATION ACT OF 2004

* * * * *

SEC. 2. FINDINGS AND PURPOSES.

(a) * * *

(b) **PURPOSE.**—The purpose of this Act is to assist in the conservation of marine turtles and the nesting habitats of marine turtles [in foreign countries] by supporting and providing financial resources for projects to conserve the nesting habitats, conserve marine turtles in those habitats, and address other threats to the survival of marine turtles.

SEC. 3. DEFINITIONS.

In this Act:

(1) * * *

(2) CONSERVATION.—The term “conservation” means the use of all methods and procedures necessary to protect nesting habitats of marine turtles [in foreign countries] and of marine turtles in those habitats, including—

(A) * * *

* * * * *

(D) enforcement and implementation of CITES and laws [of foreign countries] to—

(i) * * *

* * * * *

(7) STATE.—*The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, and any Indian tribe.*

SEC. 4. MARINE TURTLE CONSERVATION ASSISTANCE.

(a) * * *

(b) PROJECT PROPOSALS.—

(1) ELIGIBLE APPLICANTS.—A proposal for a project for the conservation of marine turtles may be submitted to the Secretary by—

(A) any wildlife management authority of a *State* or foreign country that has within its boundaries marine turtle nesting habitat if the activities of the authority directly or indirectly affect marine turtle conservation; or

* * * * *

(d) CRITERIA FOR APPROVAL.—The Secretary may approve a project proposal under this section if the project will help recover and sustain viable populations of marine turtles in the wild by assisting efforts [in foreign countries] to implement marine turtle conservation programs.

* * * * *

SEC. 5. MARINE TURTLE CONSERVATION FUND.

(a) * * *

(b) EXPENDITURES FROM FUND.—

(1) * * *

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the account available for each fiscal year, the Secretary may expend not more than 3 percent, or up to [“\$80,000”] *\$150,000*, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

(3) *LIMITATION ON PROJECTS IN THE UNITED STATES.—Not more than 20 percent of the amounts made available from the Fund for any fiscal year may be used for projects relating to the conservation of marine turtles in the United States.*

* * * * *

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Fund \$5,000,000 for **each of fiscal years 2005 through 2009** *each of fiscal years 2009 through 2014*.

* * * * *

