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SENATE

{ REPORT
{ 111-173

REAUTHORIZING THE MARINE TURTLE CONSERVATION ACT OF 2004, AND FOR OTHER PURPOSES

APRIL 26, 2010.—Ordered to be printed

Mrs. BOXER, from the Committee on Environment and Public
Works, 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 Environment and Public Works, to which was referred a bill (H.R. 509) to reauthorize the Marine Turtle Conservation Act of 2004, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

GENERAL STATEMENT AND BACKGROUND

Seven species of marine sea turtles currently inhabit the world's oceans. All require tropical, subtropical and temperate oceanic beaches for nesting. Six of the seven marine turtle species—green, hawksbill, Kemp's Ridley, leatherback, loggerhead and olive ridley—are listed in threatened categories by the World Conservation Union and listed under the U.S. Endangered Species Act.

Once abundant, marine turtle populations are a fraction of historic levels. Marine turtles require many years to reach sexual maturity (10–40 years), have complex life cycles, depend on oceanic beaches for nesting, and have specific marine foraging habitats. As a result, they are very vulnerable to exploitation and habitat degradation. Major threats to these species include legal or illegal over-harvesting of eggs or meat, predation of eggs by natural predators as well as dogs and domestic hogs, pollution from coastal development that disorients hatchlings and nesting females, replacement of beach habitat with hard structures (e.g., riprap, sea walls, and revetments), over-fishing in some countries, accidental capture

by trawl, net and long-line commercial fishing, and degradation or destruction of grass beds and coral reefs.

In response to the decline of marine turtle populations, in 2004 Congress passed and then-President George W. Bush signed into law the Marine Turtle Conservation Act of 2004 (Public Law 108–266). This law, patterned after other similar laws authorizing 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 worth \$919,843 under this program, which generated an additional \$1.2 million in non-federal matching contributions.

OBJECTIVES OF THE LEGISLATION

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

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.

LEGISLATIVE HISTORY

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 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. An amendment in the nature of a substitute offered by Rep. Brown to 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 the greater of three percent of the amounts made available or \$150,000 was adopted and the bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent. The House of Representatives passed the bill under suspension of the rules on July 28, 2009 by a vote of 354–72.

On December 10, 2009, the Senate Environment and Public Works Committee met to consider H.R. 509 and ordered the bill favorably reported without amendment.

HEARINGS

On May 5, 2009 the Subcommittee on Insular Affairs, Oceans and Wildlife of the House Committee on Natural Resources held a hearing on H.R. 509. On December 3, 2009, the Water and Wildlife Subcommittee of the Senate Environment and Public Works Committee held a legislative hearing on multiple wildlife and invasive species bills, including H.R. 509.

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider H.R. 509 on December 10, 2009. The bill was ordered favorably reported by voice.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee finds that H.R. 509 does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), the committee noted that the Congressional Budget Office has found, “H.R. 509 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.”

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

DECEMBER 15, 2009.

Hon. BARBARA BOXER,
Chairman, Committee on the Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 509, the Marine Turtle Conservation Reauthorization Act of 2009.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

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 act 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 \$22 million over the 2010–2014 period, assuming appropriation of the authorized amounts. Enacting the legislation 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 act will be appropriated by the start of each fiscal year (except 2010) and that outlays will follow the historical rate of spending for those activities. For fiscal year 2010, the Congress appropriated \$2 million for this program, so H.R. 509 would authorize the appropriation of an additional \$3 million for that year. 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	3	5	5	5	5	23
Estimated Outlays	1	3	7	6	5	22

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. Any costs to state and tribal governments from receiving grants under this act would be incurred voluntarily as a condition of receiving federal assistance.

Previous CBO estimate: On June 17, 2009, CBO transmitted a cost estimate for H.R. 509 as ordered reported by the House Committee on Natural Resources on June 10, 2009. The two pieces of legislation are identical, but we estimated that implementing the earlier version of H.R. 509 would cost \$24 million over the 2010–2014 period because funding for 2010 had not yet been provided.

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.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is en-

closed in [black brackets], new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

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MARINE TURTLE CONSERVATION

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SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) * * *

* * * * *

(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.

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SEC. 3. DEFINITIONS.

In this Act:

(1) CITES.—The term “CITES” means the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249).

(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) protection, restoration, and management of nesting habitats;

(B) onsite research and monitoring of nesting populations, nesting habitats, annual reproduction, and species population trends;

(C) assistance in the development, implementation, and improvement of national and regional management plans for nesting habitat ranges;

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

* * * * *

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(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.*

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SEC. 4. MARINE TURTLE CONSERVATION ASSISTANCE.

(a) IN GENERAL.—Subject to the availability of funds and in consultation with other Federal officials, the Secretary shall use amounts in the Fund to provide financial assistance for projects for

the conservation of marine turtles for which project proposals are approved by the Secretary in accordance with this section.

(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) ESTABLISHMENT.—* * *

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(b) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary, without further appropriation, such amounts as the Secretary determines are necessary to carry out section 4.

(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,

(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.*

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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.*

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