

United States Air Force in their tremendous efforts as leaders in the Federal Government's participation in Energy Awareness Month this past October.

America depends on the Air Force to continually provide an umbrella of security, deter our Nation's enemies, and provide safe, efficient, and effective transportation of essential personnel and supplies to carry out their mission.

As the largest single user of energy in the Federal Government, the Air Force faces the daily challenge of improving their energy efficiency while continuing to provide our Nation and her allies with the most reliable Air Force in the world.

Mr. Speaker, I would like to also take this opportunity to congratulate Dyess Air Force Base, located in my district. Dyess Air Force Base was recently recognized by receiving the Department of Energy's Federal Energy and Waste Management Award. The Federal Energy and Waste Management Award recognizes individuals, groups, and agencies for their outstanding contributions in the areas of energy efficiency, water conservation, and the use of advanced and renewable energy technologies at their Federal facilities. Having earned this award in the past, Dyess Air Force Base continues to be a model for smart energy use.

As we recognize October as Energy Awareness Month throughout the Federal Government, Dyess Air Force Base has made outstanding contributions in areas of energy efficiency, water conservation, and the use of advanced and renewable energy technologies. Some of the energy-saving initiatives included a system that employs a pond and an ice plant through which water is circulated and used to cool the installation during the hot summer months, and reducing the energy used by the B-1 bomb simulator over 30 percent, saving almost \$239,000. They also developed a way to use previously unusable water through an abandoned pipeline for use by the installation's golf course, thereby saving almost 160 million gallons of fresh water each year.

All told, in 2008, Dyess Air Force Base reduced its total energy consumption 16.5 percent and saved the American taxpayers over \$1 million. I am proud of this achievement and the honor that this award brings to the Air Force, the people of the 19th Congressional District, and to the State of Texas. As we step toward developing sustainable and alternative energy sources, we must continue to work to increase our energy efficiency.

Finally, Mr. Speaker, I would like to personally congratulate and insert into the RECORD the following names: Tom Denslow, Danny Dobbs, Ron Miller, and Daniel Thatcher of Dyess Air Force Base; and Steve Dumont of Air Combat Command for their efforts to reduce energy use and to make that base a model of energy use. It is because of

their hard work and dedication that America's dollars are better utilized and airmen are best served.

Mr. ROONEY. Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I wish to thank my colleague from Florida (Mr. ROONEY) for managing the bills on the floor today. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 845, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. BORDALLO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1245

NORTHWEST STRAITS MARINE CONSERVATION INITIATIVE REAUTHORIZATION ACT OF 2009

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1672) to reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1672

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Northwest Straits Marine Conservation Initiative Reauthorization Act of 2009".

SEC. 2. REAUTHORIZATION OF NORTHWEST STRAITS MARINE CONSERVATION INITIATIVE ACT.

The Northwest Straits Marine Conservation Initiative Act (title IV of Public Law 105-384; 112 Stat. 3458) is amended—

- (1) in section 402, by striking "(in this title referred to as the 'Commission')"; and
- (2) by striking sections 403 and 404;
- (3) by redesignating section 405 as section 410; and
- (4) by inserting after section 402 the following new sections:

"SEC. 403. FINDINGS.

"Congress makes the following findings:

"(1) The marine waters and ecosystem of the Northwest Straits in Puget Sound in the State of Washington represent a unique resource of enormous environmental and economic value to the people of the United States.

"(2) During the 20th century, the environmental health of the Northwest Straits declined dramatically as indicated by impaired water quality, declines in marine wildlife, collapse of harvestable marine species, loss of critical marine habitats, ocean acidification, and sea level rise.

"(3) At the start of the 21st century, the Northwest Straits have been threatened by sea level rise, ocean acidification, and other effects of climate change.

"(4) In 1998, the Northwest Straits Marine Conservation Initiative Act (title IV of Public Law 105-384) was enacted to tap the unprecedented level of citizen stewardship demonstrated in the Northwest Straits and create a mechanism to mobilize public support and raise capacity for local efforts to protect and restore the ecosystem of the Northwest Straits.

"(5) The Northwest Straits Marine Conservation Initiative helps the National Oceanic and Atmospheric Administration and other Federal agencies with their marine missions by fostering local interest in marine issues and involving diverse groups of citizens.

"(6) The Northwest Straits Marine Conservation Initiative shares many of the same goals with the National Oceanic and Atmospheric Administration, including fostering citizen stewardship of marine resources, general ecosystem management, and protecting federally managed marine species.

"(7) Ocean literacy and identification and removal of marine debris projects are examples of on-going partnerships between the Northwest Straits Marine Conservation Initiative and the National Oceanic and Atmospheric Administration.

"SEC. 404. DEFINITIONS.

"In this title:

"(1) COMMISSION.—The term 'Commission' means the Northwest Straits Advisory Commission established by section 402.

"(2) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(3) NORTHWEST STRAITS.—The term 'Northwest Straits' means the marine waters of the Strait of Juan de Fuca and of Puget Sound from the Canadian border to the south end of Snohomish County.

"SEC. 405. MEMBERSHIP OF THE COMMISSION.

"(a) COMPOSITION.—The Commission shall be composed of up to 14 members who shall be appointed as follows:

"(1) One member appointed by a consensus of the members of a marine resources committee established under section 408 for each of the following counties of the State of Washington:

"(A) San Juan County.

"(B) Island County.

"(C) Skagit County.

"(D) Whatcom County.

"(E) Snohomish County.

"(F) Clallam County.

"(G) Jefferson County.

"(2) Two members appointed by the Secretary of the Interior in trust capacity and in consultation with the Northwest Indian Fisheries Commission or the Indian tribes affected by this title collectively, as the Secretary of the Interior considers appropriate, to represent the interests of such tribes.

"(3) One member appointed by the Governor of the State of Washington to represent the interests of the Puget Sound Partnership.

"(4) Four members appointed by the Governor of the State of Washington who—

"(A) are residents of the State of Washington; and

"(B) are not employed by a Federal, State, or local government.

"(b) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

"(c) CHAIRPERSON.—The Commission shall select a Chairperson from among its members.

“(d) MEETING.—The Commission shall meet at the call of the Chairperson, but not less frequently than quarterly.

“(e) LIAISON.—

“(1) IN GENERAL.—The Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere and in consultation with the Director of the Commission appointed under section 407(a), shall appoint an employee of the National Oceanic and Atmospheric Administration—

“(A) to serve as a liaison between the Commission and the Department of Commerce; and

“(B) to attend meetings and other events of the Commission as a nonvoting participant.

“(2) LIMITATION.—Service of an employee as an appointee under paragraph (1)—

“(A) shall be limited to service as a liaison and attendance of meetings and other events as a nonvoting participant; and

“(B) does not obligate the employee to perform any duty of the Commission under section 406(b).

“SEC. 406. GOAL AND DUTIES OF THE COMMISSION.

“(a) GOAL.—The goal of the Commission is to protect and restore the marine waters, habitats, and species of the Northwest Straits region to achieve ecosystem health and sustainable resource use by—

“(1) designing and initiating projects that are driven by sound science, local priorities, community-based decisions, and the ability to measure results;

“(2) building awareness and stewardship and making recommendations to improve the health of the Northwest Straits marine resources;

“(3) maintaining and expanding diverse membership and partner organizations;

“(4) expanding partnerships with governments of Indian tribes affected by this title and continuing to foster respect for tribal cultures and treaties; and

“(5) recognizing the importance of economic and social benefits that are dependent on marine environments and sustainable marine resources.

“(b) DUTIES.—The duties of the Commission are the following:

“(1) To provide resources and technical support for marine resources committees established under section 408.

“(2) To work with such marine resources committees and appropriate entities of Federal and State governments and Indian tribes affected by this title to develop programs to monitor the overall health of the marine ecosystem of the Northwest Straits.

“(3) To identify factors adversely affecting or preventing the restoration of the health of the marine ecosystem and coastal economies of the Northwest Straits.

“(4) To develop scientifically sound restoration and protection recommendations, informed by local priorities, that address such factors.

“(5) To assist in facilitating the successful implementation of such recommendations by developing broad support among appropriate authorities, stakeholder groups, and local communities.

“(6) To develop regional projects based on such recommendations to protect and restore the Northwest Straits ecosystem.

“(7) To serve as a public forum for the discussion of policies and actions of Federal, State, or local government, an Indian tribe affected by this title, or the Government of Canada with respect to the marine ecosystem of the Northwest Straits.

“(8) To inform appropriate authorities and local communities about the marine ecosystem of the Northwest Straits and about issues relating to the marine ecosystem of the Northwest Straits.

“(9) To consult with all Indian tribes affected by this title to ensure that the work of the Commission does not violate tribal treaty rights.

“(c) BENCHMARKS.—The Commission shall carry out its duties in a manner that promotes the achieving of the benchmarks described in subsection (f)(2).

“(d) COORDINATION AND COLLABORATION.—The Commission shall carry out the duties described in subsection (b) in coordination and collaboration, when appropriate, with Federal, State, and local governments and Indian tribes affected by this title.

“(e) REGULATORY AUTHORITY.—The Commission shall have no power to issue regulations.

“(f) ANNUAL REPORT.—

“(1) IN GENERAL.—Each year, the Commission shall prepare, submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Natural Resources of the House of Representatives, and the Under Secretary for Oceans and Atmosphere, and make available to the public an annual report describing—

“(A) the activities carried out by the Commission during the preceding year; and

“(B) the progress of the Commission in achieving the benchmarks described in paragraph (2).

“(2) BENCHMARKS.—The benchmarks described in this paragraph are the following:

“(A) Protection and restoration of marine, coastal, and nearshore habitats.

“(B) Prevention of loss and achievement of a net gain of healthy habitat areas.

“(C) Protection and restoration of marine populations to healthy, sustainable levels.

“(D) Protection of the marine water quality of the Northwest Straits region and restoration of the health of marine waters.

“(E) Collection of high-quality data and promotion of the use and dissemination of such data.

“(F) Promotion of stewardship and understanding of Northwest Straits marine resources through education and outreach.

“SEC. 407. COMMISSION PERSONNEL AND ADMINISTRATIVE MATTERS.

“(a) DIRECTOR.—The Manager of the Shorelands and Environmental Assistance Program of the Department of Ecology of the State of Washington may, upon the recommendation of the Commission and the Director of the Padilla Bay National Estuarine Research Reserve, appoint and terminate a Director of the Commission. The employment of the Director shall be subject to confirmation by the Commission.

“(b) STAFF.—The Director may hire such other personnel as may be appropriate to enable the Commission to perform its duties. Such personnel shall be hired through the personnel system of the Department of Ecology of the State of Washington.

“(c) ADMINISTRATIVE SERVICES.—If the Governor of the State of Washington makes available to the Commission the administrative services of the State of Washington Department of Ecology, the Commission shall use such services for employment, procurement, grant and fiscal management, and support services necessary to carry out the duties of the Commission.

“SEC. 408. MARINE RESOURCES COMMITTEES.

“(a) IN GENERAL.—The government of each of the counties referred to in subparagraphs (A) through (G) of section 405(a)(1) may establish a marine resources committee that—

“(1) complies with the requirements of this section; and

“(2) receives from such government the mission, direction, expert assistance, and financial resources necessary—

“(A) to address issues affecting the marine ecosystems within its county; and

“(B) to work to achieve the benchmarks described in section 406(f)(2).

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—Each marine resources committee established pursuant to this section shall be composed of—

“(A) members with relevant scientific expertise; and

“(B) members that represent balanced representation, including representation of—

“(i) local governments, including planning staff from counties and cities with marine shorelines;

“(ii) affected economic interests, such as ports and commercial fishers;

“(iii) affected recreational interests, such as sport fishers; and

“(iv) conservation and environmental interests.

“(2) TRIBAL MEMBERS.—With respect to a county referred to in subparagraphs (A) through (G) of section 405(a)(1), each Indian tribe with usual and accustomed fishing rights in the waters of such county and each Indian tribe with reservation lands in such county, may appoint one member to the marine resources committee for such county. Such member may be appointed by the respective tribal authority.

“(3) CHAIRPERSON.—

“(A) IN GENERAL.—Each marine resources committee established pursuant to this section shall select a chairperson from among members by a majority vote of the members of the committee.

“(B) ROTATING POSITION.—Each marine resources committee established pursuant to this section shall select a new chairperson at a frequency determined by the county charter of the marine resources committee to create a diversity of representation in the leadership of the marine resources committee.

“(c) DUTIES.—The duties of a marine resources committee established pursuant to this section are the following:

“(1) To assist in assessing marine resource problems in concert with governmental agencies, tribes, and other entities.

“(2) To assist in identifying local implications, needs, and strategies associated with the recovery of Puget Sound salmon and other species in the region of the Northwest Straits listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) in coordination with Federal, State, and local governments, Indian tribes affected by this title, and other entities.

“(3) To work with other entities to enhance the scientific baseline and monitoring program for the marine environment of the Northwest Straits.

“(4) To identify local priorities for marine resource conservation and develop new projects to address those needs.

“(5) To work closely with county leadership to implement local marine conservation and restoration initiatives.

“(6) To coordinate with the Commission on marine ecosystem objectives.

“(7) To educate the public and key constituencies regarding the relationship between healthy marine habitats, harvestable resources, and human activities.

“SEC. 409. NORTHWEST STRAITS MARINE CONSERVATION FOUNDATION.

“(a) ESTABLISHMENT.—The Director of the Commission and the Director of the State of Washington Department of Ecology, or his or her designee, may enter into an agreement with an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 to establish a nonprofit foundation to support the Commission and the marine resources committees established under section 408 in carrying out their duties under this Act.

“(b) DESIGNATION.—The foundation authorized by subsection (a) shall be known as the ‘Northwest Straits Marine Conservation Foundation’.

“(c) RECEIPT OF GRANTS.—The Northwest Straits Marine Conservation Foundation may, if eligible, apply for, accept, and use grants awarded by Federal agencies, States, local governments, regional agencies, interstate agencies, corporations, foundations, or other persons to assist the Commission and the marine resources committees in carrying out their duties under this Act.

“(d) TRANSFER OF FUNDS.—The Northwest Straits Marine Conservation Foundation may transfer funds to the Commission or the marine resources committees to assist them in carrying out their duties under this Act.”.

The SPEAKER pro tempore (Mr. GARAMENDI). Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from South Carolina (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. I yield myself such time as I may consume.

Mr. Speaker, for more than a decade, the Northwest Straits Marine Conservation Initiative has fostered innovative, citizen-driven restoration and conservation programs that protect critical marine, coastal and island resources in the Northwest Straits. Despite hugely successful programs, such as the Derelict Fishing Gear Removal Program, the initiative's original authorizing statute has lapsed.

H.R. 1672 would reauthorize the initiative and would codify aspects of the initiative's operating body, the Northwest Straits Commission.

I commend the bill's sponsor, Representative RICK LARSEN of the State of Washington, for his leadership in reauthorizing the initiative and for enhancing the ability of the commission to produce locally driven, coordinated restoration projects with measurable results.

With that, I urge Members on both sides to support the passage of this bill.

I reserve the balance of my time.

Mr. BROWN of South Carolina. I yield myself such time as I may consume.

Mr. Speaker, H.R. 1672 reauthorizes and makes modest modifications to legislation which created a regional citizens' advisory board in the Pacific Northwest. The Northwest Straits Advisory Commission was established to make recommendations to Federal and State agencies based on input from the county level, and it has no regulatory powers.

I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1672, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MIGRATORY BIRD TREATY ACT PENALTY AND ENFORCEMENT ACT OF 2009

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2062) to amend the Migratory Bird Treaty Act to provide for penalties and enforcement for intentionally taking protected avian species, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Migratory Bird Treaty Act Penalty and Enforcement Act of 2009”.

SEC. 2. AMENDMENT OF MIGRATORY BIRD TREATY ACT.

Section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707) is amended by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following new subsection:

“(d)(1) Except in the case of hunting and other activity allowed under section 3, whoever in violation of this Act kills or wounds a migratory bird in an aggravated manner shall, in lieu of any penalty for such violation—

“(A) for the first violation, be fined under title 18, United States Code, imprisoned for not more than one year, or both; and

“(B) for the second and any subsequent violation, be fined under title 18 of the United States Code, imprisoned for not more than 2 years, or both.

“(2) The authority under section 3(k) of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 742l(k)) applies with respect to a violation described in paragraph (1).

“(3) For the purposes of this subsection the term ‘aggravated manner’ means deliberately and in a manner that—

“(A) demonstrates indifference to the pain and suffering of the bird; or

“(B) involves actions that would shock a reasonable person.”.

The SPEAKER pro tempore (Mr. LARSEN of Washington). Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from South Carolina (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. I yield myself such time as I may consume.

Mr. Speaker, H.R. 2062 would amend the Migratory Bird Treaty Act to establish new penalties and fines for instances when migratory birds are deliberately killed or wounded in an aggravated manner.

In 2007, a 14-month, multi-State undercover investigation initiated by the U.S. Fish and Wildlife Service revealed that thousands of protected species of hawks and falcons had been killed illegally. Worse, despite the fact that those who had done the killing had used horrific methods, including trapping, poisoning, suffocating, clubbing, and baiting birds with pigeons rigged with fishing hooks, many of the defendants who pleaded guilty to the only applicable charge under the MBTA, a class B misdemeanor, escaped with minor fines or were merely granted probation.

These events confirm that the Congress should amend the MBTA to authorize new felony penalties to deter future offenses and to allow the Fish and Wildlife Service to recommend charges appropriate for the brutal nature of these actions when they do occur.

I commend our colleague from Oregon, Representative PETER DEFAZIO, for his leadership in developing this narrowly tailored legislation that does not diminish in any way the MBTA's existing “strict liability” standard.

So, Mr. Speaker, I urge Members on both sides to support the passage of this important bill.

I reserve the balance of my time.

Mr. BROWN of South Carolina. I yield myself such time as I may consume.

Mr. Speaker, 91 years ago, in an effort to protect certain avian species, Congress enacted the Migratory Bird Treaty Act. That law established criminal penalties for certain illegal activities, such as hunting over a baited field, using a live decoy to hunt waterfowl, or simply killing a protected migratory bird. In most instances, the punishment for these offenses is limited to 6 months in jail, a \$15,000 fine, or both.

What H.R. 2062 is designed to address are inhumane and shocking violations of the Migratory Bird Treaty Act. For example, during the past 3 years, a number of protected hawks and peregrine falcons have been killed by pigeon hobbyists in retaliation for these raptors eating their prized pets. While those involved in this illegal activity were tried and convicted under Federal law, not a single defendant received jail time, and none of the fines approached the maximum level. This is despite the fact that these pigeon hobbyists shot, poisoned, gassed, strangled, and clubbed thousands of protected birds and then bragged about it on the Internet.

In an effort to respond to future cases which would shock a reasonable