

“(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. 7421(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

person, H.R. 2062 establishes a new two-tiered penalty system under the Migratory Bird Treaty Act. For the first offense under this new standard, a defendant could receive up to 1 year in jail, a \$100,000 fine, or both. For subsequent convictions of the same type, the penalties could increase to 2 years in jail, fines of up to \$250,000, or both. These would be available, but not mandatory, penalties that a United States Attorney could seek in future migratory bird prosecutions.

Let me emphasize that this will not be the new legal standard for all violations of the Migratory Bird Treaty Act. We are not talking about protected birds that are killed by a cell tower. We are not talking about hunters who kill too many ducks or geese. We are not talking about someone who steals goose eggs from a golf course. We are not talking about your grandmother who may shoot a protected woodpecker because its constant tapping on her house is annoying her. There is also absolutely no intention that these new penalties would affect in any manner the authorized hunting of migratory birds or the taking of migratory birds under a depredation order established by the U.S. Fish and Wildlife Service.

These enhanced penalties in H.R. 2062 will send a clear message to individuals throughout this Nation that egregious behavior, like the roller pigeon cases, will not be tolerated in the future.

Mr. DEFAZIO. Mr. Speaker, just over 2 years ago, Fish and Wildlife Service arrested a dozen individuals for repeatedly and deliberately killing protected raptors under the Migratory Bird Treaty Act. In many cases, the individuals used cruel and shocking methods of torture, mutilation, poisoning, suffocation, and clubbing to kill and wound these birds. They then bragged about their egregious behavior on the internet and to members of their organizations.

Despite the horrific nature of the crimes, the defendants who pleaded guilty to the Class B Misdemeanor—the same penalty ascribed to unauthorized uses of the Woodsy Owl and Smokey Bear characters—escaped with fines far smaller than the maximum allowances and were granted probation or given community service.

I and thousands of Oregonians were outraged by the nature of these wanton and senseless crimes. Yet, the individuals responsible only received a stiff slap on the wrist, demonstrating that courts often do not take wildlife crimes seriously enough. Regrettably, horrific violence against protected migratory birds continues across the country.

I introduced H.R. 2062 to provide Fish and Wildlife Service with a law enforcement tool that would allow the agency to prosecute the most egregious violations of the MBTA with serious penalties. This bill would also send a clear message to courts that Congress does take wildlife crimes seriously and expects courts to apply penalties that measure up to the shocking nature of some of these crimes.

The bill before the House today is the consensus product of over 6 months of discussion with conservation groups, hunting associations, Fish and Wildlife Service, the States, and the Republican minority. The bill was

passed unanimously by the House Committee on Natural Resources on November 18th. I urge my colleagues to support this legislation.

Mr. BROWN of South Carolina. Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this resolution, and 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. 2062, 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.

AUTHORIZATION OF A PUBLIC EDUCATION PROGRAM FOR GUAM

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3940) to authorize the Secretary of the Interior to extend grants and other assistance to facilitate a political status public education program for the people of Guam, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3940

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

SECTION 1. SENSE OF CONGRESS.

Congress reaffirms that it is the responsibility of the Secretary of the Interior to advance the economic, social, and political development of the territories of the United States.

SEC. 2. ASSISTANCE FOR POLITICAL STATUS PUBLIC EDUCATION PROGRAMS.

(a) IN GENERAL.—Section 601 of the Act entitled “An Act to authorize appropriations for certain insular areas of the United States, and for other purposes”, approved December 24, 1980 (48 U.S.C. 1469d), is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(2) by inserting after subsection (a) the following new subsection:

“(b) The Secretary of the Interior may extend to the governments of American Samoa, Guam, and the United States Virgin Islands, and their agencies and instrumentalities, assistance, including assistance in the form of grants, research, planning assistance, studies, and agreements with Federal agencies, to facilitate public education programs regarding political status options for their respective territories.”.

(b) CONFORMING AMENDMENT.—Section 19(a)(2)(C) of the Food Stamp Act of 1977 (7 U.S.C. 2028(a)(2)(C)) is amended by striking “section 601(c) of Public Law 96–597 (48 U.S.C. 1469d(c))” and inserting “section 601(d) of Public Law 96–597 (48 U.S.C. 1469d(d))”.

The SPEAKER pro tempore. 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. 3940 would authorize the Secretary of the Interior to assist the Governments of Guam, American Samoa, and the United States Virgin Islands in developing and implementing political status public education programs.

Such programs would aid the people of these territories in understanding the various and viable political status options available to them. With such information, they could, in turn, express informed opinions about their future in any political status plebiscite or convention.

Today, Guam, American Samoa, and the United States Virgin Islands are the three United States territories recognized by the international community as nonself-governing. The Federal Government is obligated to advance their self-government, taking into account the political aspirations of their peoples. The Secretary of the Interior is responsible for these efforts under U.S. law, and the resolution of status for these territories is a matter for Congress to ultimately resolve under article IV of the United States Constitution. Although efforts have been made in the past in each territory toward improving its status consistent with the right of self-determination, status remains ultimately unresolved for them.

In Guam, a local law has authorized a plebiscite to be held that is to involve a public education program. In American Samoa, the work of a locally established commission to assess status options, the third such commission in the history of the territory, was recently concluded. A plebiscite on status was also held previously in the Virgin Islands.

Each circumstance, however, demonstrates the importance of a public education program for resolving status in each territory and for preparing for future plebiscites or other processes by which their people can collectively express their political aspirations.

This bill, Mr. Speaker, simply clarifies in law that the Secretary of the Interior can exercise existing authority to provide general technical assistance to these territories for the purpose of facilitating political status public education.

So I ask my colleagues 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. 3940 would authorize the Secretary of the Interior to extend assistance to facilitate political