

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. 1121, 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, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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.

The point of no quorum is considered withdrawn.

#### SOUTHERN SEA OTTER RECOVERY AND RESEARCH ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 556) to establish a program of research, recovery, and other activities to provide for the recovery of the southern sea otter, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 556

*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 "Southern Sea Otter Recovery and Research Act".*

##### SEC. 2. SOUTHERN SEA OTTER RECOVERY AND RESEARCH PROGRAM.

(a) *IN GENERAL.*—The Secretary of the Interior, acting through the United States Fish and Wildlife Service and the United States Geological Survey, shall carry out a recovery and research program for southern sea otter populations along the coast of California, informed by the prioritized research recommendations of the Final Revised Recovery Plan for the southern sea otter (*Enhydra lutris nereis*) published by the United States Fish and Wildlife Service and dated February 24, 2003, the Research Plan for California Sea Otter Recovery issued by the United States Fish and Wildlife Service Southern Sea Otter Recovery Implementation Team and dated March 2, 2007, and any other recovery, research, or conservation plan adopted by the United States Fish and Wildlife Service after the date of enactment of this Act in accordance with otherwise applicable law. The Recovery and Research Program shall include the following:

(1) *Monitoring, analysis, and assessment of southern sea otter population demographics, health, causes of mortality, and life history parameters, including range-wide population surveys.*

(2) *Development and implementation of measures to reduce or eliminate potential factors limiting southern sea otter populations that are related to marine ecosystem health or human activities.*

(b) *REAPPOINTMENT OF RECOVERY IMPLEMENTATION TEAM.*—Not later than one year after the date of enactment of this Act, the Secretary shall appoint persons to a southern sea otter recovery implementation team as authorized under section 4(f)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)(2)).

(c) *SOUTHERN SEA OTTER RESEARCH AND RECOVERY GRANTS.*—

(1) *GRANT AUTHORITY.*—The Secretary shall establish a peer-reviewed, merit-based process to award competitive grants for research regarding southern sea otters and for projects assisting the recovery of southern sea otter populations.

(2) *PEER REVIEW PANEL.*—The Secretary shall establish as necessary a peer review panel to provide scientific advice and guidance to prioritize proposals for grants under this subsection.

(3) *RESEARCH GRANT SUBJECTS.*—Research funded with grants under this subsection shall be in accordance with the research recommendations of any plan referred to in subsection (a), and may include the following topics:

(A) *Causes of sea otter mortality.*

(B) *Southern sea otter demographics and natural history.*

(C) *Effects and sources of pollutants, nutrients, and toxicants on southern sea otters and sequestration of contaminants.*

(D) *Effects and sources of infectious diseases and parasites affecting southern sea otters.*

(E) *Limitations on the availability of food resources for southern sea otters and the impacts of food limitation on southern sea otter carrying capacity.*

(F) *Interactions between southern sea otters and coastal fisheries and other human activities in the marine environment.*

(G) *Assessment of the keystone ecological role of sea otters in southern and central California's coastal marine ecosystems, including both the direct and indirect effects of sea otter predation, especially as these effects influence human welfare, resource utilization, and ecosystem services.*

(H) *Assessment of the adequacy of emergency response and contingency plans.*

(4) *RECOVERY PROJECT SUBJECTS.*—Recovery projects funded with grants under this subsection shall be conducted in accordance with recovery recommendations of any plan referred to in subsection (a), and may include projects to—

(A) *protect and recover southern sea otters;*

(B) *reduce, mitigate, or eliminate potential factors limiting southern sea otter populations that are related to human activities, including projects to—*

(i) *reduce, mitigate, or eliminate factors contributing to mortality, adversely affecting health, or restricting distribution and abundance; and*

(ii) *reduce, mitigate, or eliminate factors that harm or reduce the quality of southern sea otter habitat or the health of coastal marine ecosystems; and*

(C) *implement emergency response and contingency plans.*

(d) *REPORT.*—The Secretary shall—

(1) *within 12 months after the date of enactment of this Act, report to Congress on—*

(A) *the status of southern sea otter populations;*

(B) *implementation of the Recovery and Research Program and the grant program; and*

(C) *any relevant formal consultations conducted under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) with respect to the southern sea otter; and*

(2) *within 24 months after the date of enactment of this Act and every 5 years thereafter, and in consultation with a southern sea otter recovery implementation team (if any) that is otherwise being utilized by the Secretary under section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)), report to Congress and the public on—*

(A) *an evaluation of southern sea otter health, causes of southern sea otter mortality, and the interactions of southern sea otters with California's coastal marine ecosystems;*

(B) *an evaluation of actions taken to improve southern sea otter health, reduce southern sea otter mortality, and improve southern sea otter habitat;*

(C) *recommendation for actions, pursuant to current law, to improve southern sea otter*

*health, reduce the occurrence of human-related mortality, and improve the health of such coastal marine ecosystems; and*

(D) *recommendations for funding to carry out this Act.*

##### SEC. 3. DEFINITIONS.

*In this Act:*

(1) *RECOVERY AND RESEARCH PROGRAM.*—The term "Recovery and Research Program" means the recovery and research program under section 2(a).

(2) *SECRETARY.*—The term "Secretary" means the Secretary of the Interior, acting through the United States Fish and Wildlife Service and the United States Geological Survey.

##### SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) *IN GENERAL.*—There is authorized to be appropriated to the Secretary to carry out this Act \$5,000,000 for each of fiscal years 2010 through 2015 of which—

(1) *no less than 30 percent shall be for research grants under section 2(c)(3); and*

(2) *no less than 30 percent shall be for recovery projects under section 2(c)(4).*

(b) *ADMINISTRATIVE EXPENSES.*—Of amounts available each fiscal year to carry out this Act, the Secretary may expend not more than 7 percent to pay the administrative expenses necessary to carry out this Act.

##### SEC. 5. TERMINATION.

*This Act shall have no force or effect on and after the date the Secretary (as that term is used in section 4(c)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(2))) publishes a determination that the southern sea otter should be removed from the lists published under section 4(c) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)).*

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Washington (Mr. HASTINGS) 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 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. Mr. Speaker, growth of the southern sea otter population has been slow over the last decade because of high mortality rates. Otters die from many causes, including disease and parasites, malnutrition and entanglement in fishing gear. Additional action is needed to ensure the recovery of these animals is a success.

H.R. 556, introduced by our colleague Congressman SAM FARR of California, would direct the U.S. Fish and Wildlife Service to implement a program that would address the decline of the southern sea otter by looking at health, mortality, and life history parameters, develop measures to reduce factors impacting marine ecosystems, health and human activities that limit sea otter populations, and to do so in accordance with consensus recommendations made by the Service's published Southern Sea Otter Recovery Plan.

H.R. 556 has been substantially revised since it was introduced, largely

to address concerns of coastal fishing interests. The bill also benefited from further changes to streamline the recovery and research grant program and clarify its scope as it advanced through the committee process.

H.R. 556 is necessary to provide a stable and reliable source of funding for critically needed research, monitoring, and implementation of recovery actions. Its provisions would apply directly to southern sea otters, but because these otters are a keystone and a sentinel species, H.R. 556 would also benefit the California coastal ecosystem as a whole.

So I urge Members, Mr. Speaker, to support the bill and reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 556, a bill which will take a threatened species and place its management needs above others, even if those species are in danger of becoming extinct.

The U.S. Fish and Wildlife Service is the agency with management over the southern sea otter and most other animals listed as endangered or threatened under the Endangered Species Act. The Service should be afforded the opportunity to make its own determination on how best to use Endangered Species Act recovery funds.

Mr. Speaker, I don't believe Congress should get into the habit of promoting one species' needs over other more endangered species. We should let the management agency do its job, guided by the Endangered Species Act.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, the southern sea otters are a keystone species, as the chairwoman pointed out. That means that if they break the chain, the whole ecological system falls apart. And essentially, what you find in the oceans are the sea urchins are kind of like the snails of the ocean. They eat the seaweed. And if the sea urchins go unchecked, you'll clearcut the oceans and have no habitat for all the fish and other things that live in the kelp beds.

So the sea otters, by eating urchins—and frankly, we have a big urchin industry in California as well—have been compatible for years and years. The problem we have with the southern sea otters is that it's a remarkable recovery, and it's a tribute to Federal law that listed them, because they were less than 100 animals, and now they're up to about 2,000.

But guess what? They're not growing and there are less than there were a few years ago. So there is something happening to this species that nobody can understand. And that's why you need specific legislation to try to get—as the bill points out, it's a research bill.

And I want to point out to the ranking member, Mr. HASTINGS, that where

he pointed out that we shouldn't have these management sort of by single caveat, although we have done, in law, the African Elephant, the Bald and the Golden Eagle—and I know those are important to you in your district—the Tule Elk Preservation Act, the Fur Seal Act, the Crown of Thorns Starfish Act, the North Pacific Halibut Act, the Salmon Conservation Act, and the Atlantic Striped Bass Conservation; those are just 8 which I could quickly find, and I'm sure there's a lot more.

I think that the crisis here of the sea otter, and, frankly, it's a big economic issue, too, because those of us who live along the central coast of California, it is a big draw for tourism, and that's why the Monterey Bay Aquarium, their single-most looked at and visited exhibit is the sea otters.

So this bill came about with a lot of work from a lot of organizations. There's 13 organizations that have gone in support of this bill and brought these issues to us, including the Defenders of Wildlife, Friends of the Sea Otter, The Humane Society of the United States, the Marine Conservation Biology Institute, the Natural Resources Defense Counsel, Oceana, and many others, and they represent about 14 million members.

So I'm pleased that we were able to work out this bill with the committee and bring it to the floor and hopefully get it adopted so that we can figure out why this canary species, if the sea otters are dying, then something else is happening that is very keen to the coastal and near-shore environment that affects the well-being of mankind.

□ 1530

So I would appreciate your support on this bill. It is important to good science and to the preservation of our marine ecosystem.

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

Ms. BORDALLO. Mr. Speaker, I again urge Members to support the bill, 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. 556, 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.

Mr. HASTINGS of Washington. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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.

The point of no quorum is considered withdrawn.

## MARINE TURTLE CONSERVATION REAUTHORIZATION ACT OF 2009

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 509) to reauthorize the Marine Turtle Conservation Act of 2004, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 509

*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 "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".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Washington (Mr. HASTINGS) 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.