

108TH CONGRESS
1ST SESSION

H. R. 3378

To assist in the conservation of marine turtles and the nesting habitats
of marine turtles in foreign countries.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 2003

Mr. GILCHREST introduced the following bill; which was referred to the
Committee on Resources

A BILL

To assist in the conservation of marine turtles and the
nesting habitats of marine turtles in foreign countries.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Marine Turtle Con-
5 servation Act of 2003”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—The Congress finds that—

8 (1) marine turtle populations have declined to
9 the point that the long-term survival of the logger-
10 head, green, hawksbill, Kemp’s ridley, olive ridley,

1 and leatherback turtle in the wild is in serious jeop-
2 ardy;

3 (2) 6 of the 7 recognized species of marine tur-
4 tles are listed as threatened or endangered species
5 under the Endangered Species Act of 1973 (16
6 U.S.C. 1531 et seq.), and all 7 species have been in-
7 cluded in Appendix I of CITES;

8 (3) because marine turtles are long-lived, late-
9 maturing, and highly migratory, marine turtles are
10 particularly vulnerable to the impacts of human ex-
11 ploitation and habitat loss;

12 (4) illegal international trade seriously threat-
13 ens wild populations of some marine turtle species,
14 particularly the hawksbill turtle;

15 (5) the challenges facing marine turtles are im-
16 mense, and the resources available have not been
17 sufficient to cope with the continued loss of nesting
18 habitats caused by human activities and the con-
19 sequent diminution of marine turtle populations;

20 (6) because marine turtles are flagship species
21 for the ecosystems in which marine turtles are
22 found, sustaining healthy populations of marine tur-
23 tles provides benefits to many other species of wild-
24 life, including many other threatened or endangered
25 species;

1 (7) marine turtles are important components of
2 the ecosystems that they inhabit, and studies of wild
3 populations of marine turtles have provided impor-
4 tant biological insights;

5 (8) changes in marine turtle populations are
6 most reliably indicated by changes in the numbers of
7 nests and nesting females; and

8 (9) the reduction, removal, or other effective
9 addressing of the threats to the long-term viability
10 of populations of marine turtles will require the joint
11 commitment and effort of—

12 (A) countries that have within their bound-
13 aries marine turtle nesting habitats; and

14 (B) persons with expertise in the conserva-
15 tion of marine turtles.

16 (b) PURPOSE.—The purpose of this Act is to assist
17 in the conservation of marine turtles and the nesting habi-
18 tats of marine turtles in foreign countries by supporting
19 and providing financial resources for projects to conserve
20 the nesting habitats, conserve marine turtles in those habi-
21 tats, and address other threats to the survival of marine
22 turtles.

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

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

5 (2) CONSERVATION.—The term “conservation”
6 means the use of all methods and procedures nec-
7 essary to protect nesting habitats of marine turtles
8 in foreign countries and of marine turtles in those
9 habitats, including—

10 (A) protection, restoration, and manage-
11 ment of nesting habitats;

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

15 (C) assistance in the development, imple-
16 mentation, and improvement of national and re-
17 gional management plans for nesting habitat
18 ranges;

19 (D) enforcement and implementation of
20 CITES and laws of foreign countries to—

21 (i) protect and manage nesting popu-
22 lations and nesting habitats; and

23 (ii) prevent illegal trade of marine
24 turtles;

1 (E) training of local law enforcement offi-
2 cials in the interdiction and prevention of—

3 (i) the illegal killing of marine turtles
4 on nesting habitat; and

5 (ii) illegal trade in marine turtles;

6 (F) initiatives to resolve conflicts between
7 humans and marine turtles over habitat used by
8 marine turtles for nesting;

9 (G) community outreach and education;
10 and

11 (H) strengthening of the ability of local
12 communities to implement nesting population
13 and nesting habitat conservation programs.

14 (3) FUND.—The term “Fund” means the Ma-
15 rine Turtle Conservation Fund established by section
16 5.

17 (4) MARINE TURTLE.—

18 (A) IN GENERAL.—The term “marine tur-
19 tle” means any member of the family
20 Cheloniidae or Dermochelyidae.

21 (B) INCLUSIONS.—The term “marine tur-
22 tle” includes—

23 (i) any part, product, egg, or offspring
24 of a turtle described in subparagraph (A);
25 and

1 (ii) a carcass of such a turtle.

2 (5) MULTINATIONAL SPECIES CONSERVATION
3 FUND.—The term “Multinational Species Conserva-
4 tion Fund” means the fund established under the
5 heading “multinational species conservation fund” in
6 title I of the Department of the Interior and Related
7 Agencies Appropriations Act, 1999 (16 U.S.C.
8 4246).

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

11 **SEC. 4. MARINE TURTLE CONSERVATION ASSISTANCE.**

12 (a) IN GENERAL.—Subject to the availability of
13 funds and in consultation with other Federal officials, the
14 Secretary shall use amounts in the Fund to provide finan-
15 cial assistance for projects for the conservation of marine
16 turtles for which project proposals are approved by the
17 Secretary in accordance with this section.

18 (b) PROJECT PROPOSALS.—

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

22 (A) any wildlife management authority of
23 a foreign country that has within its boundaries
24 marine turtle nesting habitat if the activities of

1 the authority directly or indirectly affect marine
2 turtle conservation; or

3 (B) any other person or group with the
4 demonstrated expertise required for the con-
5 servation of marine turtles.

6 (2) REQUIRED ELEMENTS.—A project proposal
7 shall include—

8 (A) a statement of the purposes of the
9 project;

10 (B) the name of the individual with overall
11 responsibility for the project;

12 (C) a description of the qualifications of
13 the individuals that will conduct the project;

14 (D) a description of—

15 (i) methods for project implementa-
16 tion and outcome assessment;

17 (ii) staff and community management
18 for the project; and

19 (iii) the logistics of the project;

20 (E) an estimate of the funds and time re-
21 quired to complete the project;

22 (F) evidence of support for the project by
23 appropriate governmental entities of the coun-
24 tries in which the project will be conducted, if

1 the Secretary determines that such support is
2 required for the success of the project;

3 (G) information regarding the source and
4 amount of matching funding available for the
5 project; and

6 (H) any other information that the Sec-
7 retary considers to be necessary for evaluating
8 the eligibility of the project for funding under
9 this Act.

10 (c) PROJECT REVIEW AND APPROVAL.—

11 (1) IN GENERAL.—The Secretary shall—

12 (A) not later than 30 days after receiving
13 a project proposal, provide a copy of the pro-
14 posal to other Federal officials, as appropriate;
15 and

16 (B) review each project proposal in a time-
17 ly manner to determine whether the proposal
18 meets the criteria specified in subsection (d).

19 (2) CONSULTATION; APPROVAL OR DIS-
20 APPROVAL.—Not later than 180 days after receiving
21 a project proposal, and subject to the availability of
22 funds, the Secretary, after consulting with other
23 Federal officials, as appropriate, shall—

1 (A) consult on the proposal with the gov-
2 ernment of each country in which the project is
3 to be conducted;

4 (B) after taking into consideration any
5 comments resulting from the consultation, ap-
6 prove or disapprove the project proposal; and

7 (C) provide written notification of the ap-
8 proval or disapproval to the person that sub-
9 mitted the project proposal, other Federal offi-
10 cials, and each country described in subpara-
11 graph (A).

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

17 (e) PROJECT SUSTAINABILITY.—To the maximum
18 extent practicable, in determining whether to approve
19 project proposals under this section, the Secretary shall
20 give preference to conservation projects that are designed
21 to ensure effective, long-term conservation of marine tur-
22 tles and their nesting habitats.

23 (f) MATCHING FUNDS.—In determining whether to
24 approve project proposals under this section, the Secretary

1 shall give preference to projects for which matching funds
2 are available.

3 (g) PROJECT REPORTING.—

4 (1) IN GENERAL.—Each person that receives
5 assistance under this section for a project shall sub-
6 mit to the Secretary periodic reports (at such inter-
7 vals as the Secretary may require) that include all
8 information that the Secretary, after consultation
9 with other government officials, determines is nec-
10 essary to evaluate the progress and success of the
11 project for the purposes of ensuring positive results,
12 assessing problems, and fostering improvements.

13 (2) AVAILABILITY TO THE PUBLIC.—Reports
14 under paragraph (1), and any other documents re-
15 lating to projects for which financial assistance is
16 provided under this Act, shall be made available to
17 the public.

18 **SEC. 5. MARINE TURTLE CONSERVATION FUND.**

19 (a) ESTABLISHMENT.—There is established in the
20 Multinational Species Conservation Fund a separate ac-
21 count to be known as the “Marine Turtle Conservation
22 Fund”, consisting of—

23 (1) amounts transferred to the Secretary of the
24 Treasury for deposit into the Fund under subsection
25 (e);

1 (2) amounts appropriated to the Fund under
2 section 6; and

3 (3) any interest earned on investment of
4 amounts in the Fund under subsection (c).

5 (b) EXPENDITURES FROM FUND.—

6 (1) IN GENERAL.—Subject to paragraph (2), on
7 request by the Secretary, the Secretary of the Treas-
8 ury shall transfer from the Fund to the Secretary,
9 without further appropriation, such amounts as the
10 Secretary determines are necessary to carry out sec-
11 tion 4.

12 (2) ADMINISTRATIVE EXPENSES.—Of the
13 amounts in the account available for each fiscal
14 year, the Secretary may expend not more than 3
15 percent, or up to \$80,000, whichever is greater, to
16 pay the administrative expenses necessary to carry
17 out this Act.

18 (c) INVESTMENT OF AMOUNTS.—

19 (1) IN GENERAL.—The Secretary of the Treas-
20 ury shall invest such portion of the Fund as is not,
21 in the judgment of the Secretary of the Treasury,
22 required to meet current withdrawals. Investments
23 may be made only in interest-bearing obligations of
24 the United States.

1 (2) ACQUISITION OF OBLIGATIONS.—For the
2 purpose of investments under paragraph (1), obliga-
3 tions may be acquired—

4 (A) on original issue at the issue price; or
5 (B) by purchase of outstanding obligations
6 at the market price.

7 (3) SALE OF OBLIGATIONS.—Any obligation ac-
8 quired by the Fund may be sold by the Secretary of
9 the Treasury at the market price.

10 (4) CREDITS TO FUND.—The interest on, and
11 the proceeds from the sale or redemption of, any ob-
12 ligations held in the Fund shall be credited to and
13 form a part of the Fund.

14 (d) TRANSFERS OF AMOUNTS.—

15 (1) IN GENERAL.—The amounts required to be
16 transferred to the Fund under this section shall be
17 transferred at least monthly from the general fund
18 of the Treasury to the Fund on the basis of esti-
19 mates made by the Secretary of the Treasury.

20 (2) ADJUSTMENTS.—Proper adjustment shall
21 be made in amounts subsequently transferred to the
22 extent prior estimates were in excess of or less than
23 the amounts required to be transferred.

24 (e) ACCEPTANCE AND USE OF DONATIONS.—The
25 Secretary may accept and use donations to provide assist-

1 ance under section 4. Amounts received by the Secretary
2 in the form of donations shall be transferred to the Sec-
3 retary of the Treasury for deposit in the Fund.

4 **SEC. 6. ADVISORY GROUP.**

5 (a) IN GENERAL.—To assist in carrying out this Act,
6 the Secretary may convene an advisory group consisting
7 of individuals representing public and private organiza-
8 tions actively involved in the conservation of marine tur-
9 tles.

10 (b) PUBLIC PARTICIPATION.—

11 (1) MEETINGS.—The Advisory Group shall—

12 (A) ensure that each meeting of the advi-
13 sory group is open to the public; and

14 (B) provide, at each meeting, an oppor-
15 tunity for interested persons to present oral or
16 written statements concerning items on the
17 agenda.

18 (2) NOTICE.—The Secretary shall provide to
19 the public timely notice of each meeting of the advi-
20 sory group.

21 (3) MINUTES.—Minutes of each meeting of the
22 advisory group shall be kept by the Secretary and
23 shall be made available to the public.

1 (c) EXEMPTION FROM FEDERAL ADVISORY COM-
2 MITTEE ACT.—The Federal Advisory Committee Act (5
3 U.S.C. App.) shall not apply to the advisory group.

4 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

5 There is authorized to be appropriated to the Fund
6 \$5,000,000 for each of fiscal years 2005 through 2009.

7 **SEC. 8. REPORT TO CONGRESS.**

8 Not later than October 1, 2005, the Secretary shall
9 submit to the Congress a report on the results and effec-
10 tiveness of the program carried out under this Act, includ-
11 ing recommendations concerning how this Act might be
12 improved and whether the Fund should be continued in
13 the future.

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